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THE

L A W S O F J A M A I C A

PASSED IN

TWO SESSIONS OF THE LEGISLATIVE COUNCIL; THE FIRST OF WHICH BEGAN ON THE 14TH DAY OF JANUARY, 1884, AND TERMINATED ON THE 30TH DAY OF APRIL, 1884, AND THE SECOND OF WHICH BEGAN ON THE 30TH DAY OF SEPTEMBER, 1884, AND TERMINATED ON THE 31ST DAY OF MARCH, 1885.

PUBLISHED BY AUTHORITY.



J A M A I C A :

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[Assented to 20th November, 1884.]

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[*Reserved for the signification of Her Majesty's pleasure.*]

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[*Assented to 16th May, 1885.*]

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JAMAICA—LAW 1 OF 1884.

The Vote of Credit Law, 1883-84.

26th January, 1884.

WHEREAS it is proposed to reconstitute the Legislative Council of the Island, and to defer for the consideration of such reconstituted Council the appropriation of such Public Moneys as may be required for the service of the Civil Government of the Island, and for other purposes, for the Financial Year to end on the thirtieth day of September, one thousand eight hundred and eighty-four, beyond those which are already provided for by Law :—

And Whereas it is desirable meantime to authorize the Governor to make payments for six months from the thirtieth day of September, one thousand eight hundred and eight-three, to defray the charges and expenses of such service, and for other purposes as aforesaid, beyond those already provided for as aforesaid :—

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :—

1—The Treasurer of this Island shall, on the warrant of the Governor, pay a sum not exceeding in the aggregate one hundred and sixty-five thousand four hundred and ninety pounds, eight shillings and three pence half-penny, as a Vote of Credit towards defraying the several charges and expenses of the Civil Government of this Island, and for other purposes, for the first six months of the current Financial Year to end on the thirtieth day of September, one thousand eight hundred and eighty-four, set forth in the Schedule to the Appropriation Law, 1882-83, and at the rate in the case of each item, save and except the last item therein mentioned, of one-half of the amounts therein stated.

Vote of Credit of
£165,490 8s. 3½d.



JAMAICA—LAW 2 OF 1884.

The Appropriation Law, 1884.

[9th May, 1884.]

WHEREAS of the amount of five hundred and fifty-one Preamble.
thousand seven hundred and forty-six pounds, thirteen
shillings and ninepence, required for the service of the Civil
Government of the Island, and for other purposes, for the
Financial Year to end on the thirtieth day of September, one
thousand eight hundred and eighty-four, the sum of two hun-
dred and twenty-six thousand six hundred and fifty-three
pounds, ten shillings and eightpence, has been provided for
by Law, and it is now requisite to make a further provision
of three hundred and twenty-five thousand and ninety-three
pounds, three shillings and one penny, to meet the said Ex-
penditure :—

Be it enacted by the Governor and Legislative Council of
the Island of Jamaica, as follows :—

1—The Treasurer of this Island shall, on the warrant of the
Governor, pay a sum not exceeding in the aggregate three
hundred and twenty-five thousand and ninety-three pounds,
three shillings and one penny, for defraying the several
charges and expenses of the Civil Government of this Island,
and for other purposes, for the Financial Year to end on the
thirtieth day of September, one thousand eight hundred and
eighty-four, set forth in the Schedule to this Law annexed.

£325,093 3s. 1d.
appropriated as
per Schedule.

SCHEDULE TO APPROPRIATION ACT.

		£	s.	d.
Pensions	...	11,631	4	10
Administrative Departments	...	23,160	7	0
Revenue Departments	...	33,802	19	10
Postal Service	...	18,647	10	10
Judicial	...	16,279	6	0
Ecclesiastical	...	467	10	0
Medical	...	48,338	10	0
Constabulary	...	49,370	12	0
Education	...	26,756	0	0
Harbour Masters	...	263	7	6
Colonial Allowances	...	4,474	0	0
Steam Communication with U.S. America	...	4,080	0	0
Steam Communication round the Island	...	2,000	0	0
Subsidy to West India and Panama Telegraph Company	...	2,000	0	0
Colonization of Immigrants	...	4,171	0	0
Printing and Stationery Establishment	...	6,049	16	0
Public Plantations and Gardens	...	5,402	0	0
Jamaica Railway	...	12,719	13	0
Miscellaneous	...	4,169	5	0
Public Works	...	48,914	14	1
Parochial Expenditure	...	2,395	7	0
Total General Expenditure		£325,093	3	1



JAMAICA—LAW 3 OF 1884.

*Incorporated with
Law 33 of 1887*

The Dower Law, 1881, Amendment Law, 1884.

[31st October, 1884.]

WHEREAS it is expedient to amend the Dower Law, Preamble.
1881:—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—Section 14 of the said Law is hereby amended by omitting therefrom the words “at the time of her marriage,” where the same occur after the word “seised” in line three, and before the word “and” in line four.

Law 33 of 1881,
Sec. 14 amended.

Provided always that this amendment shall not be deemed to revive the right of any woman to dower out of any lands acquired by her husband subsequently to their marriage and before the passing of the said Law, in cases where the same had already been defeated by any means capable under the Provisions of the said Law of defeating the same. Proviso.



JAMAICA—LAW 4 OF 1884.

The Seeds and Plants Importation Law, 1884.

[31st October, 1884.]

WHEREAS it is expedient to take precautions against the Preamble.
introduction into this Island of leaf and other kindred diseases in plants, and with that view to empower the Governor by Proclamation to prohibit the importation of seeds, plants or soil, either altogether, or from such country or countries, or except on such conditions, as he may see fit:—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—It shall be lawful for the Governor from time to time, by Proclamation to be published in the Jamaica Gazette, to prohibit the importation of seeds, plants, or any description of earth or soil, or any article packed therewith, that may have come either directly or indirectly from any country that may be named in such Proclamation; and also in like manner to prescribe the conditions under which alone the importation of any of the articles aforesaid shall be permitted that may have come either directly or indirectly from any country to be named in such Proclamation, the importation from which is not absolutely prohibited; and any such Proclamation as aforesaid from time to time to revoke or vary.

Power to Governor by proclamation to prohibit or restrict the importation of seeds or plants, &c.

2—Any of the articles aforesaid coming as aforesaid from any country the importation from which is for the time being prohibited, and any of the articles aforesaid arriving as aforesaid from a country the importation from which is allowed upon conditions only, until and unless such conditions shall

Such prohibited articles to be deemed to be prohibited goods, and conditions to be deemed restrictions, under the Customs Law.

have been complied with to the satisfaction of the Principal Officer of Customs at the port of arrival, shall be deemed to be prohibited goods within the meaning of the Laws relating to Customs ; and any such conditions aforesaid shall be deemed to be restrictions within the meaning aforesaid.

Onus probandi as to place from which articles are imported.

3—So long as any Proclamation as aforesaid is in force, any of the articles aforesaid coming from parts beyond the sea may be deemed to have come from a place the importation from which is prohibited as aforesaid, and may be treated accordingly, unless the Importer satisfies the Principal Officer of Customs at the port of arrival to the contrary.



JAMAICA—LAW 5 OF 1884.

*A Law to Allow and Confirm certain Expenditure in 1881-82,
and in 1882-83.*

[31st October, 1884.]

WHEREAS expenditure during the financial years 1881-82 Preamble.
and 1882-83 on certain services, not provided for or not
fully provided for by Law 31 of 1881 and Law 30 of 1882, was
temporarily defrayed out of savings effected on the provision
that had been made for expenditure on certain other services:

Be it enacted by the Governor, with the advice and consent
of the Legislative Council of the Island of Jamaica, as fol-
lows :—

1—The expenditure during the financial year 1881-82, Expenditure of
£4,423 3s. 4d. in
1881-82 allowed.
to the amount of four thousand four hundred and twenty-
three pounds, three shillings and four pence, on certain ser-
vices set forth in the Schedule A to this Law annexed, that was Schedule A.
temporarily defrayed out of savings effected in that year on
the provision that had been made for other services by Law
31 of 1881, is hereby allowed and confirmed.

2—The expenditure during the financial year 1882-83, Expenditure of
£4,178 18s. 1d. in
1882-83 allowed.
to the amount of four thousand one hundred and seventy-
eight pounds, eighteen shillings and one penny, on certain
services set forth in the Schedule B to this Law annexed, Schedule B.
that was temporarily defrayed out of savings effected in that
year on the provision that had been made for other services
by Law 30 of 1882, is hereby allowed and confirmed.

SCHEDULE A.

Expenditure of 1881-82 not fully provided for by Law 31 of 1881.

			£	s.	d.
Pensions	...	...	28	8	2
Pilotage and Harbours	...	...	78	1	5
Census	...	...	1	15	5
Government Printing and Stationery Establishment			1,372	17	3
Public Plantations and Gardens	...		4	11	10
Miscellaneous	...	...	1,690	18	2
Light Houses	...	...	33	1	1
Rio Cobre Canal	...	...	322	18	10
Lands	...	...	890	11	2
			<hr/>		
			£4,423	3	4
			<hr/>		

SCHEDULE B.

Expenditure of 1882-83 not fully provided for by Law 30 of 1882.

			£	s.	d.
Post Office	...	...	1,227	3	11
Rebuilding Churches destroyed by Cyclone			400	0	0
Colonial Allowances to Troops	...		26	16	10
Government Printing and Stationery Establishment			411	2	8
Jamaica Railway	...	...	671	16	9
Miscellaneous	...	...	1,239	10	6
Rio Cobre Canal	...	...	100	0	1
Lands	...	...	102	7	4
			<hr/>		
			£4,178	18	1
			<hr/>		



JAMAICA—LAW 6 OF 1884.

• *The Army and Navy Drawback Law, 1884.*

[31st October, 1884.]

WHEREAS by Section 5 of Law 11 of 1867 it is provided Preamble.
that provisions and stores imported for the use of Her Majesty's Army or Navy should be exempted from payment of Customs duty :—

And Whereas in many cases provisions and stores not specially imported for the use of Her Majesty's Army or Navy, and on which accordingly Customs duties are paid, are purchased for the use of Her Majesty's Army and Navy from merchants and traders in the Island; and it is expedient to provide that in such cases a refund of the duty paid shall be made, and also to regulate the manner in which such refund shall be calculated :—

Be it therefore enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica :—

1—Whenever any local merchant or trader shall have supplied provisions or stores to Her Majesty's Military or Naval Authorities in this Island for the use of Her Majesty's Army or Navy, which said provisions or stores have been imported into the Island so as to be liable on importation to payment of Customs duties, such merchant or trader aforesaid shall be entitled, on presentation to the Collector of Customs for the Port of Kingston of a certificate, to the effect that such provisions or stores have been supplied as aforesaid, under the hand of the Senior Commissariat Officer or the Senior Naval Officer in the Island, (as the case may be,) together with a declaration on the part of such Officer that he believes such provi-

Right of merchant to drawback of duties on goods supplied to Army or Navy.

Certificate and declaration required.

sions or stores to have been imported into the Island, to receive a drawback equal to the amount of the duty paid in respect of such provisions or stores on their importation.

Amount and basis of calculation of refund.

2—Whenever the date of importation of any such goods, and such other particulars as are required by the Customs regulations in the case of allowance of drawback on exportation, are known to the person claiming the refund, and can be supplied to the proper Officer of Customs, and established to his satisfaction, the refund of duty shall be in accordance with the amount of duty that may appear to have been actually paid; but when the actual value of goods liable to advalorem duty, and upon which the duty was paid at the time of importation, cannot be ascertained or supplied and established as aforesaid, it shall be lawful for the proper Officer of Customs to calculate the amount of duty to be returned, on the lowest value at which such articles may have been imported during the previous six months:—

Proviso as to cases when duties have been recently altered.

Provided always that in case the rate of duty payable on any article shall at any time hereafter be lowered, only the lower rate of duty shall be refunded, unless within three months of the time of such duty being lowered the person claiming such refund shall satisfy the proper Officer of Customs that duty was paid on the articles in question at the old rate; and in case the rate of duty payable on any article shall at any time hereafter be raised, the refund shall continue to be made at the old rate for a period of six months after such duty shall have been raised.

Power to make rules as to making the refund.

3—It shall be lawful for the Collector-General, from time to time, with the approval of the Governor, to make rules, orders and regulations, and the same from time to time to vary, alter and revoke, for the purpose of regulating the mode in which, and of further prescribing the conditions under which, the refund aforesaid shall be made.



JAMAICA—LAW 7 OF 1884.

*Law 25 of 1882
Repealed by this Law*

The Morant and Pedro Cays Parochial Law, 1884.

[31st October, 1884.]

WHEREAS it is expedient to repeal Law 25 of 1882, and Preamble.
to extend the Provisions thereof for other purposes
than the Administration of the Criminal Law :—

Be it enacted by the Governor, with the advice and consent
of the Legislative Council of the Island of Jamaica, as fol-
lows :—

1—Law 25 of 1882 is hereby repealed :—Provided neverthe- Law 25 of 1882 re-
pealed.
Proviso.
less that such repeal shall not affect the administration of the
Criminal Law in respect of any crime or offence committed
before the coming into operation of this Law.

2—The Morant Cays and the Pedro Cays shall, for all pur- How far Cays
deemed to be in
Parish of Kingston.
poses other than taxation, be deemed to be within and form
part of the Parish of Kingston.



JAMAICA—LAW 8 OF 1884.

*Incorporated with
Law 23 of 1875-*

The Jamaica Street Car Company's Law Amendment Law, 1884.

[7th November, 1884.]

WHEREAS it is desirable to amend Law 23 of 1875:— Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—Section 5 of The Jamaica Street Car Company's Law, 1875, Law 23 of 1875,
Section 5, amended. is hereby amended by adding, between the words "Privy Council" and "shall thereupon" in the tenth line, the words "may require the production by the Company of such further plans, sections or specifications, as he may think necessary and."

2—Section 13 of the said Law is hereby amended by adding the words "and maintained" immediately after the word "laid" at the end of the fourth line thereof. Section 13 amended.

3—So much of Section 14 of the said Law as renders it obligatory that every such Tramway shall be constructed and maintained as nearly as may be in the middle of the street or road shall be and the same is hereby repealed:— Section 14 partially repealed.

Provided always that, in all cases in which any such Tramway shall be authorized to be constructed and maintained along the middle of any street or road, the Provisions of Sections 14 and 15 of the said Law shall continue to apply.

4—It shall be lawful for the said Company, with the approval of the Governor in Privy Council, to construct and maintain any such Tramway along the side of any street or road, and with the like approval to cross from one side to the other of any such street or road. Power to construct Tramways along the side of streets.

Restrictions on
power.

The construction and maintenance of any such Tramway shall not be approved as aforesaid along the side of any street or road unless there shall be left, from the outer rail of such Tramway to the commencement of the water table on the opposite side of the road, a clear space for driving of at least 18 feet, or such other space as shall be prescribed by the Governor in Privy Council in his approval or allowance of the Tramway, except in the cases of bridges, streets or other places, not exceeding one hundred feet in length, where the width may not be sufficient to allow such space, and also in such other places as may be required for the construction of loops for enabling the cars or carriages to pass each other; and such exceptions shall be subject to approval by the Road Authority.

Duty of the Com-
pany where street is
too narrow.

If any street or road along which any such Tramway is authorized to be constructed and maintained is not, subject to the exceptions above made, wide enough to allow such clear width for driving as aforesaid to be left, the Company shall at their own cost add to the width of such street or road, by acquiring so much land as may be required for the purpose on such side of the road as may be determined by the Road Authority, and shall provide a proper water table through the land so acquired, to the satisfaction of the said Road Authority, and shall also to the like satisfaction, in case the land so acquired is on the side of the road opposite to that on which the Tramway is authorized to be constructed, properly make and metal the same; and, for the purpose aforesaid, it shall be lawful for the Company to remove steps, fences or other constructions, or acquire additional lands, making compensation at their own cost to the parties interested in such steps, fences or lands, and all lands so acquired and added to the width of the street or road shall be conveyed and become vested in the Road Authority for the purposes of the said road.

Section 15 amended.

5—Section 15 of the said Law is hereby amended by adding in the fourth line thereof, immediately after the word “shall,” the words “if so required by the Road Authority.”

Duty of Company
on alteration of the
level of road.

6—If any Road Authority hereafter alter the level of any road along or across which any of the Tramways is laid, or authorized to be laid, the Promoters shall from time to time, at

their own expense, alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered: Provided that the Provisions of this Section shall not apply to the case of any Tramway laid and in operation at the time of the passing of this Law.

7—This Law and Law 23 of 1875 shall be read and construed together as one Law, and may together be cited as “The Jamaica Street Car Company's Laws, 1875–1884.”

Incorporation with
Law 23 of 1875, and
short title.



JAMAICA—LAW 9 OF 1884.

The Appropriation Law, 1884-85.

[7th November, 1884.]

WHEREAS of the amount of five hundred and eighty-eight thousand two hundred and forty-eight pounds, eight shillings and fourpence, required for the service of the Civil Government of the Island, and for other purposes, for the Financial Year to end on the thirtieth day of September, one thousand eight hundred and eighty-five, the sum of two hundred and sixty-three thousand four hundred and forty-one pounds, thirteen shillings and sixpence, has been provided for by Law, and it is now requisite to make a further provision of three hundred and twenty four thousand eight hundred and six pounds, fourteen shillings and tenpence, to meet the said Expenditure :—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—The Treasurer of this Island shall, on the warrant of the Governor, pay a sum not exceeding in the aggregate three hundred and twenty-four thousand eight hundred and six pounds, fourteen shillings and tenpence, for defraying the several charges and expenses of the Civil Government of this Island, and for other purposes, for the Financial Year to end on the thirtieth day of September, one thousand eight hundred and eighty-five, set forth in the Schedule to this Law annexed.

Power to apply
£324,806 14s. 10d.
for defraying
charges set forth in
Schedule.

SCHEDULE TO APPROPRIATION ACT.

			£	s.	d.
Pensions	...	...	10,729	19	8
Administrative Departments	...	...	24,045	8	2
Revenue Departments	...	...	34,008	14	10
Postal Service	...	...	19,208	16	0
Judicial	...	...	17,341	6	0
Ecclesiastical	...	...	467	10	0
Medical	...	...	46,705	8	0
Constabulary	...	...	48,752	0	3
Education	...	...	28,331	0	0
Harbour Masters	...	...	268	7	6
Colonial Allowances to Troops	...	...	4,840	0	0
Steam Communication with America	...	...	3,626	13	4
Steam Communication round the Island	...	...	2,000	0	0
Subsidy to West Indian and Panama Telegraph Company	...	...	2,000	0	0
Printing and Stationery Establishment	...	...	5,552	10	0
Public Gardens and Plantations	...	...	5,162	16	8
Jamaica Railway	...	...	18,376	15	7
Miscellaneous	...	...	5,971	6	7
Public Works	...	...	47,418	2	3
Total			£324,806 14 10		

THE MORAVIAN CHURCH INCORPORATION AND VESTING LAW, 1884.

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JAMAICA—LAW 10 OF 1884.

The Moravian Church Incorporation and Vesting Law, 1884.

[20th November, 1884.]

WHEREAS in or about the year 1754 the Church of the Preamble.

Unity of the Brethren (commonly called in the British Empire Moravians) commenced a Mission in the Island of Jamaica, and sent out their Missionaries to preach the Gospel of Christ amongst the people of the said Island, and have ever since kept up and considerably enlarged their operations in the said Island, and have also established, and are now maintaining, in the said Island, various Institutions for the training of Ministers and Teachers, and for the education of children :— Moravian Mission work in Jamaica.

And Whereas the said work of the said Church is largely maintained by means of funds contributed in England, and elsewhere than in Jamaica, and placed for the purposes of the Missions of the said Church at the disposal of the Supreme Executive Board ; and the government and management of the said work of the said Church and its operations in Jamaica are under the control and direction of the said Supreme Executive Board, and the said work and operations are carried on by Missionaries and other Agents sent out, or otherwise provided or sanctioned, by the said Supreme Executive Board : Mission Funds.
Supreme authority.

And Whereas there is in Great Britain a Mission Board of the said Church, (called the British Provincial Mission Board,) appointed to aid the said Supreme Executive Board in the Missions of the said Church in Countries within the British Empire, of which Mission Board the Reverend William Taylor is now the President, and (in addition to, and apart from, and independently of, the said British Provincial Mission Board) Assistant authorities.

the said Supreme Executive Board, for the purpose of more efficiently conducting their general Mission work, appoint and maintain a Secretary usually resident in Great Britain, who is there designated "The Secretary for the Moravian Missions," and is hereinafter called "The British Mission Secretary," which Secretary at the present time is the Reverend Benjamin Latrobe:—

Local authority.

And Whereas the said Supreme Executive Board also employ, as Advisers and Agents in the government and management of the said work in Jamaica, a Local Board, (hereinafter called "The Executive Board in Jamaica,") which Local Board now consists of the Reverend Edwin Ebenezer Reinke, the President, the Reverend George Henry Hanna, the Treasurer, and the Reverend Johann Paul Pulkrabek, the Secretary:—

Church property.

And Whereas, for the purposes of the said Church and their work in the said Island, divers lands and hereditaments in the said Island have been from time to time acquired by or on behalf of the said Church, and are now used or occupied by the Missionaries and Agents aforesaid as Mission or Church Stations, Sites of Chapels, Training Institutions, Schools and Ministers' Houses, or appurtenances thereto, or for other purposes in aid of the said work of the said Church, and divers goods, chattels and personal property, in Jamaica have been acquired by or on behalf of the said Church:—

Petition.

And Whereas in the Petition to the Governor and Legislative Council of Jamaica by the said Supreme Executive Board, and the said British Provincial Mission Board, and the said Executive Board in Jamaica, and by certain persons Trustees of certain of the said lands and hereditaments, it has been shown and set forth amongst other things to the effect following, that is to say:—

- a. That in acquiring such lands and hereditaments the deeds of conveyance thereof, or other evidences of title thereto, have been usually taken in the names of two or three persons for the time being filling official positions in the said Church;
- b. That in many of the said deeds and evidences no trusts

at all are declared or indicated, while in the rest the fact of the property being held in trust for the said Church is indicated only in general terms ;

- c. That inconveniences have arisen, and expense has been incurred, by reason of the changes from time to time necessarily made in the persons officially connected with the said Church, and of the deaths of persons in whom the legal ownership of lands and hereditaments has been vested, and such inconveniences and expense are likely to continually recur, and may in the future be increased, unless some remedy be applied ;
- d. That with a view to such a remedy it has been considered desirable, in the interests of the said Church, and the work thereof in Jamaica, that all the lands and hereditaments, goods, chattels and effects, and personal property, of the said Church in Jamaica should be vested in a Corporate Body, to be created with perpetual succession and a Common Seal, and to consist of the persons for the time being holding the several Offices of President, Treasurer and Secretary, of the said Executive Board in Jamaica, and President of the aforesaid British Provincial Mission Board, and British Mission Secretary, with power for such Corporate Body to acquire and hold real and personal property for the purposes of the said Church ;
- e. That the several lands and hereditaments mentioned in Schedule A hereto have been at different times conveyed in trust for the purposes of the said Church, or are now beneficially held, used, occupied or enjoyed, for such purposes by the said Church, or the officials or members thereof ;
- f. That the said Supreme Executive Board, and the said British Provincial Mission Board, and the said Executive Board in Jamaica, are desirous,—and that the said other persons in whom is now vested the legal estate in certain of the lands and hereditaments specified in Schedule A hereto are willing,—that all and singular

the lands and hereditaments specified in Schedule A hereto, and all other lands and hereditaments (if any), and all goods, chattels and personal property, in the Island of Jamaica, which are now legally or equitably the property of the said Church, or are now held in trust for the purposes of the said Church, or are now possessed, used, occupied or enjoyed, as Church property by the said Church, or by the officials or members of the said Church, or any of them, or by any person or persons holding under such officials or members, or any of them, should become and be by Legislative Enactment vested in a Body Corporate, composed as above-mentioned, upon Trust for the purposes of the said Church in Jamaica :—

And Whereas the several statements herein set forth as contained in the said Petition have been established to the satisfaction of the Governor and Legislative Council of the Island of Jamaica :—

And Whereas it is desirable to vest the said lands and hereditaments and personal property in a Body Corporate for the purposes aforesaid, and to create such Body Corporate for such purposes by Legislative Enactment :—

Be it therefore enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows, that is to say :—

Constitution of
Corporation.

1—The following persons, that is to say,

The Reverend Edwin Ebenezer Reinke (the present President of the Executive Board in Jamaica),

The Reverend George Henry Hanna (the present Treasurer of the same Board), and

The Reverend Johann Paul Pulkrabek (the present Secretary of the same Board),

The Reverend William Taylor (the present President of the British Provincial Mission Board), and

The Reverend Benjamin Latrobe (the present British Mission Secretary),

and their Successors, the persons for the time being hold-

ing the several offices of President, Treasurer and Secretary, of the said Executive Board in Jamaica, and President of the said British Provincial Mission Board, and British Mission Secretary,

**are hereby declared, constituted and appointed, one Corporation or Body Corporate, to have continuance forever and perpetual succession, by the name of "The Corporation of the "Church of the Unity of the Brethren (commonly called Mo-
"ravians) in Jamaica," and by that name shall and may sue and be sued, plead and be impleaded, in all Courts of Law and Equity.**

2—The said Corporation shall have a Common Seal, with such device and inscription to be made thereon as from time to time the holders for the time being of the said several offices shall think proper to adopt ; and it shall be lawful for them from time to time to break, alter and renew, the said Seal as they shall think proper.

3—The lands and hereditaments mentioned or referred to in Schedule A hereto, and all the estate and interest of all and every and any of the grantees named in the several deeds mentioned in the said Schedule, of and in the lands and hereditaments by such deeds, or any of them, vested in or granted to such grantees, or any of them, for any estate or interest, or mentioned so to be, and all other lands and hereditaments (if any), and all goods, chattels and personal property, in the Island of Jamaica, which are now legally or equitably the property of the said Church, or are now held in trust for the purposes of the said Church, or are now possessed, used, occupied or enjoyed, as Church property by the said Church, or by the officials or members of the said Church, or any of them, or by any person or persons holding under such officials or members, or any of them, are hereby transferred to and vested in The Corporation of the Church of the Unity of the Brethren (commonly called Moravians) in Jamaica, and their successors, to be from henceforth held by the said Corporation upon such trusts, and to and for such ends, intents and purposes, and with, under and subject to, such powers and provisions, as the Supreme Executive Board aforesaid shall at any time, and from time to time, by Reso-

lution or Resolutions in writing order or direct, and whether by a General Order or General Orders, or by special direction or special directions in any particular case or cases, or for any particular purpose or purposes, and whether for the purpose of use or occupation, or administration or management, or for the purpose of sale, mortgage, (with any ancillary powers in the mortgagee,) gift, exchange or other alienation, or for any other purpose whatsoever, and in default of and until any such order or direction, and so far as no such order or direction shall extend, upon the trusts set forth in Schedule B hereto.

And it is hereby declared that, unless it shall be expressed on the face of the order or direction that the same is irrevocable, any order or direction made or given by the said Supreme Executive Board may at any time, and from time to time, be varied, or partially or wholly revoked, by the said Supreme Executive Board at their pleasure.

Power to acquire
property—Trusts
thereof.

4—The said Corporation shall have full power to acquire by purchase, donation, exchange, devise, bequest, grant, gift or conveyance, or in any other manner, and to hold, any other lands, hereditaments, goods, chattels, or real or personal property, in the Island of Jamaica; and as well such hereafter acquired lands, hereditaments, property and premises, as also the nett proceeds to arise from any sale, mortgage, lease or alienation, of any property vested for the time being in the said Corporation, shall (except as hereinafter in this Section otherwise expressly provided) be held by the said Corporation upon the same trusts, and to and for the same ends, intents and purposes, and with, under and subject to, the same powers and provisions, as are herein enacted of and concerning the lands, hereditaments and property, hereby vested in the said Corporation :—

- Provided nevertheless that in case in the Deed, Will or other Instrument, under which any lands, hereditaments or property, shall hereafter be acquired by the said Corporation, any trusts, powers, declarations or provisions, shall be expressly declared or contained of and concerning the same lands, hereditaments or property, then the trusts, powers, declarations and provisions, by this Law enacted shall be deemed and

taken to be modified, altered or superseded, so far as may be necessary to give effect to the trusts, powers, declarations or provisions, so expressly declared or contained in the particular Deed, Will or other Instrument, but not further or otherwise.

5—In case the offices of President, Treasurer and Secretary, of the Executive Board of the said Church in Jamaica, and the offices of President of the British Provincial Mission Board and British Mission Secretary, should permanently cease to exist, the lands and hereditaments, and real and personal property, vested in the said Corporation at the time of such cesser, shall devolve upon the persons who at the time of the cesser of the said offices, or if such cesser were not simultaneous then upon the persons or person who at the time of the cesser of the last continuing of the said offices, held the offices or office so ceasing; which persons (if more than one) shall take as joint tenants, to them their heirs, executors and administrators, and which person (if only one) shall take to himself, his heirs, executors and administrators; but nevertheless all such lands, hereditaments, and real and personal property, and the nett proceeds of sale of such as may be sold, shall be dealt with, whether by sale, transfer or otherwise, in such manner as the Supreme Executive Board shall by Resolution or Resolutions in writing direct, but subject nevertheless, as regards any property hereafter acquired, to any trusts, powers and provisions, for the time being specially affecting the same.

Provision in case of cesser of the Corporation.

But no temporary vacancy in all or any of the said offices shall in any way affect, or be held to affect, the continuance or existence of the said Corporation; and any ultimate transfer of or other dealing with the said hereditaments, real and personal property, on the permanent cesser of the said offices, shall be valid and effectual, if made by any ordinary form of assurance, signed, sealed and delivered, by the persons or person in whom by virtue of the said provision the said hereditaments, and real and personal property, shall have vested, acting in their or his individual capacity, and without the affixing of any Common Seal.

Temporary vacancies in office not to affect the Corporation.

6—So far as previously sanctioned by Resolution of the Supreme Executive Board it shall be lawful for the said Corporation, and so far as required by Resolution of the Supreme

Power to appoint Attorneys.

Executive Board it shall be obligatory on the said Corporation, at any time, and from time to time, by deed executed as provided either by Section 7 or Section 8 of this Law, to appoint any person or persons, previously approved by Resolution of the Supreme Executive Board, as the Attorney or Attorneys in the Island of Jamaica of the said Corporation, for the purposes of mortgaging, (with power to vest any ancillary powers in the mortgagee,) leasing, selling or conveying, any lands, hereditaments or personal property, for the time being vested in the said Corporation, and for the purpose of taking possession or taking care of, collecting the rents of, managing, administering or otherwise dealing with, any land, hereditaments or personal property, for the time being vested in the said Corporation, or for any of the above purposes : Provided that it shall be lawful for the Supreme Executive Board, by Resolution in writing, at pleasure wholly to revoke any such deed of appointment; but such revocation shall not take effect until the writing of revocation hath been exhibited to, or a copy thereof hath been left at the last known usual place of abode in Jamaica of the Attorney or Attorneys, or one of them.

Execution of
deeds or documents.

7—No Deed or Document purporting to be executed by the said Corporation, or any member thereof, shall be of any force or validity, unless it be sealed with the Common Seal of the said Corporation, and be countersigned by the President or the Treasurer, or the Secretary, for the time being of the Executive Board in Jamaica, and also by the President for the time being of the British Provincial Mission Board or by the British Mission Secretary; but this Section shall not be construed so as in anywise to affect the Provisions of the fifth Section of this Law.

Effect of deed, &c.
fully executed and
duly verified.

8—Every Deed, Certificate, Document or Writing, purporting on its face to be fully executed by the said Corporation, and the several signatures whereof purport to be duly verified, shall, on production thereof and of the Statutory Declaration verifying the same, be, without further proof, *primâ facie* evidence in all Courts of Justice, and elsewhere in the Island of Jamaica, of the truth of every recital or state-

ment in such Deed, Certificate, Document or Writing contained,

touching the Supreme Executive Board, its constitution, members, officials or powers, or

touching any Resolution, order or direction, of the same Board, or

touching the British Provincial Mission Board, its constitution, members, officials or powers, or

touching any Resolution, order or direction, of the same Board or of its President, or

touching the British Mission Secretary, his appointment or powers, or

touching any order or direction by him, or

touching the Executive Board in Jamaica, its constitution, members, officials or powers, or

touching any Resolution, order or direction, of the same Board, or of the President, Treasurer or Secretary thereof.

9—Any Resolution in writing, purporting on its face to emanate from the Supreme Executive Board and to be signed by the President thereof, or purporting on its face to emanate from the British Provincial Mission Board and to be signed by the President thereof, or purporting on its face to emanate from the Executive Board in Jamaica and to be signed by the President thereof, shall be accepted in all Courts of Justice, and elsewhere in the Island of Jamaica, as genuine and authentic, and as *primâ facie* evidence of the official status of the person signing the same, and as *primâ facie* evidence that such Resolution has been duly passed by the Board whence it purports to emanate, and that such Board was duly constituted:—

Evidence of Resolutions of Supreme Executive Authority, or of the British Provincial Mission Board, or the Executive Board in Jamaica.

Provided that this Section shall apply to such writings only as are produced from the custody of the Executive Board in Jamaica, or from the custody of some person in Jamaica well known by general repute as an official of the said Church or of the Supreme Executive Board; and further that in the case of Resolutions by the Supreme Executive Board, or by the said British Provincial Mission Board, this Section shall apply to such writings only as are supported by

Verification thereof.

a Statutory Declaration (produced from such custody as aforesaid, and purporting on its face to be the Statutory Declaration of the British Mission Secretary,) to the effect that the declarant knows or verily believes such Resolution or Resolutions, and the signature or signatures to the writing in question, to be genuine and authentic.

Evidence as to the Moravians, their doctrines, usages, Synods, Boards, officers, &c.

10—In case it shall be necessary or advisable to give evidence before any Court of Justice or elsewhere in Jamaica touching the doctrines, usages, constitution or jurisdiction, of the said Church of the Unity of the Brethren, (either in its entirety or in any of its Provinces or Sections), or of any of the Synods, Conferences, or Executive or other Boards, of the said Church, (whether supreme, provincial, local, departmental or otherwise,) or touching the person or persons for the time being constituting any Board or Conference, or holding any office in the said Church, or in any of the above named bodies, and particularly in case it should at any time be necessary or advisable to give formal proof as to the Board or Body or person to which the designation of the British Provincial Mission Board, or its President, or of the Executive Board in Jamaica, or its President, Treasurer or Secretary, is for the time being properly applicable, or as to the person to whom the designation of the British Mission Secretary is for the time being properly applicable, or in case it should at any time be necessary or advisable to give formal proof of the permanent cesser contemplated by the fifth Section of this Law, and as to the persons or person who were or was the last holders or holder of any office mentioned in that Section, a Certificate in writing, purporting on its face to emanate from and to be signed by the President and one other member of the Supreme Executive Board, and to be countersigned by some Bishop of the said Church, shall be *prima facie* evidence in all Courts of Justice and elsewhere in the Island of Jamaica touching any such matter as aforesaid, and that whether any dispute or question has arisen or be depending touching the same matter or not:—

Provided.

Provided that this Section shall apply to such Certificates only as are produced from the custody of the Ex-

Executive Board in Jamaica, or from the custody of some person in Jamaica well known by general repute there as an official of the said Church or of the Supreme Executive Board, and are supported by a Statutory Declaration (produced from such custody as aforesaid, and purporting on its face to be the Statutory Declaration of the Bishop countersigning the Certificate) to the effect that the declarant knows or verily believes the Certificates and the signatures thereto to be genuine and authentic.

11—If any mortgage or lease, or conveyance on sale, of any land, hereditaments or personal property, for the time being vested in the said Corporation, shall be fully executed by the said Corporation, it shall not be incumbent on the mortgagee, lessee or purchaser, to enquire into the necessity or propriety of the mortgage, lease or sale, or the purposes for or the circumstances under which the same may be made, nor as to whether any directions, sanctions or consents, have been given, or whether any other antecedent steps have been taken, or whether any clause or provision in the document be beyond the powers of the said Corporation, or otherwise as to the propriety or regularity, legality or sufficiency, of the mortgage, lease or sale, or any clause or provision in the deed effecting the same; but every such deed of mortgage, lease and conveyance on sale, shall, so far as concerns the mortgagee, lessee or purchaser, and persons claiming under him, be valid and effectual notwithstanding any irregularity or defect in the antecedent steps, directions or proceedings, or any lack of authorization by the Authorities of the said Church.

Protection of Mortgagees, Lessees and Purchasers.

And it is further hereby declared that every receipt embodied in any such deed of mortgage, lease or conveyance on sale, as aforesaid, shall effectually discharge the mortgagee, lessee or purchaser, from all money paid over by him to the said Corporation, or its Treasurer, and in such receipt expressed to have been received, and from all responsibility touching the application of the same money.

12—No Member of the said Corporation shall be in any way personally responsible for or in respect of any debt or liability which may become due or owing from the said Cor-

Protection of Members of the Corporation.

poration, or to which the said Corporation may become subject, or for any debt due, owing or accruing, upon or in respect of the lands, hereditaments, goods, chattels, real or personal property, for the time being vested in the said Corporation, or for any liability to which any of those premises may be subject, nor for any involuntary loss suffered by the said Corporation, or any Member thereof, nor for more money than shall come to his own hands, nor for any injury which may be done by others to the said real or personal property, or any part thereof.

Corporation,
Quorum.

13—In case any matter or thing within the discretion of the said Corporation hath to be dealt with by the said Corporation, the determination of three members thereof (of whom one shall be either the President of the British Provincial Mission Board or else the British Mission Secretary) shall, in case unanimity cannot be attained, be deemed and taken to be the determination of the said Corporation.

Interpretation
clause.

14—In the construction of this Law, the following words and expressions shall respectively have the meaning hereinafter declared of and concerning the same respectively, that is to say:—

“The Supreme Executive Board” shall mean the Unity’s Elders’ Conference of the Church of the Unity of the Brethren, (commonly called in the British Empire Moravians,) and shall extend so as to mean the Supreme Executive Board for the time being of the whole of the said Church, by whatsoever name such Board may be officially or usually known, or in whatsoever manner such Board may be constituted;

“The British Provincial Mission Board” shall mean the Mission Board of the British Province of the said Church, and shall extend so as to mean the Board for the time being acting in Great Britain in aid of the Supreme Executive Board in the Missions of the said Church, by whatsoever name such Mission Board may be officially or usually known, or in whatsoever manner it may be constituted;

“The British Mission Secretary” shall mean the Secretary for the Moravian Missions, usually resident in Great Britain.

“The Executive Board in Jamaica” shall mean the Provincial Elders’ Conference of the said Church for the Western Province of the West Indian Mission of the said Church, and shall extend so as to mean the Chief Executive Board for the time being of the said Church in the Island of Jamaica, by whatsoever names such Executive Board may be officially or usually known, or in whatsoever manner it may be constituted;

“Statutory Declaration” shall mean the species of written evidence now known by that name, and shall extend so as to mean any affidavit, and any other analogous form of solemn proof in writing, whether upon oath or not, which shall be legally authorized or in ordinary use for the time being;

“Fully Executed,” when applied to the execution of any document or writing by the said Corporation, shall mean sealed with the Common Seal of the said Corporation and countersigned by all five members of the Corporation, each signature being attested by at least one witness;

“Duly Verified,” when applied to the execution or signature of any document or writing, shall mean verified by the Statutory Declaration of a witness attesting such execution or signature;

“President” shall include Chairman.

15. Nothing herein contained shall affect or be deemed to affect the rights of Her Majesty the Queen, Her heirs or successors, or of any bodies, politic or corporate, or other person or persons, except such as are mentioned or referred to in this Law, and except all persons claiming legally or beneficially from, through or under them, or any of them, otherwise than by express contract for purchase from any grantees or grantee named in the several Deeds mentioned in Schedule A hereto.

Reservation of rights.

SCHEDULE A.

Being Schedule of Lands vested in the Incorporation under this Law.

1. BEAUFORT, in the Parish of Westmoreland, with its outstations, as follows:—

- (a) 19 acres, 2 roods, described in deed with diagram, Spence to Latrobe and Moore, dated 24th October, 1833, and recorded, Libro 805, folio 56.
- (b) 76 acres, described in deed with diagram, Commissioners to Latrobe and Mallalieu, dated 6th October, 1848, and recorded, N. S. Libro 15, folio 271, except such parts thereof as have been conveyed by deed to small settlers.
- (c) 2 acres, at Ashton, described in deed with diagram, Braine to Latrobe and Mallalieu, dated 20th March, 1856, and recorded, Libro 924, folio 160.
- (d) 1 acre, at Cairncurran, described in deed with diagram, Williams to Badham and Shawe, dated 19th January, 1875, and recorded, N. S. Libro 15, folio 282.
- (e) 2 roods at Bognie, described in deed with diagram, Forbes to Badham and Shawe, dated 28th July, 1883, and recorded N.S. Libro 21, folio 114.

2. BETHABARA, in the Parish of Manchester, with its outstations, as follows :—

- (a) 41 acres, 2 roods, 16 perches, described in deed with diagram, Branfoot to Latrobe and Mallalieu, dated 26th February, 1841, and recorded, Libro 841, folio 61, except such parts thereof as have been conveyed by deed to small settlers.
- (b) 7 acres, 3 roods, described in deed with diagram, Branfoot to Latrobe and Mallalieu, dated 29th December, 1842, recorded, Libro 871, folio 132.
- (c) 25 acres, 32 perches, described in deed with diagram, Newman to Latrobe and Mallalieu, dated 16th August, 1852, recorded, Libro 927, folio 23.
- (d) 12 acres, 2 roods, described in deed, Patterson to Seiler, dated 28th April, 1862, recorded, Libro 949, folio 73.
- (e) 1 acre, at Patrick Town, described in deed with diagram, Stewart to Seiler, dated 18th January, 1859, recorded, N. S. Libro 14, folio 461.
- (f) 3 acres, at Patrick Town, described in deed with diagram, Stewart to Badham and Shawe, dated 5th February, 1876, and recorded, Libro 977, folio 56.
- (g) 10 perches, at George's Valley, described in deed,

Henry to Latrobe and Mallalieu, dated 12th February, 1862, recorded, N. S. Libro 14, folio 467.

- (h) 1 acre, at Barnstable, described in deed, Saunders to Badham and Spence, dated 4th April, 1866, recorded, Libro 948, folio 1.

3. BETHANY, in the Parish of Manchester, with its outstations, as follows :—

- (a) 6 acres, described in deed with diagram, Bramwell to Latrobe and Moore, dated 14th January, 1836, and recorded, Libro 805, folio 51.
- (b) 20 acres, described in deed with diagram, Bramwell to Latrobe and Mallalieu, dated 12th January, 1843, and recorded, Libro 864, folio 50.
- (c) 20 acres, described in deed with diagram, Robinson to Latrobe and Mallalieu, dated 14th September, 1853, and recorded, Libro 914, folio 21.
- (d) 15 acres, at Skiddaw, described in deed with diagram, Davy to Latrobe and Mallalieu, dated 16th July, 1840, and recorded, Libro 834, folio 82.
- (e) 1 acre, 20 perches, described in deed with diagram, Smith to Latrobe and Mallalieu, dated 22nd June, 1854, and recorded, Libro 916, folio 217.
- (f) 55 acres, 1 rood, 20 perches, at Moravia, described in deed with diagram, Passmore to Mallalieu and Shawe, dated 30th December, 1870, and recorded, Libro 957, folio 42.

4. BETHLEHEM, in the Parish of St. Elizabeth, with its outstations, as follows :—

- (a) 17 acres, 1 rood, described in deed with diagram, Mullings to Latrobe and Moore, dated 5th November, 1831, recorded, Libro 780, folio 220.
- (b) 11 acres, 2 roods, described in deed with diagram, Muirhead to Latrobe and Mallalieu, dated 20th November, 1845, recorded, Libro 877, folio 186.
- (c) 4 acres, described in deed with diagram, Mullings to Latrobe and Mallalieu, dated 20th July, 1857, recorded, Libro 924, folio 163.

- (d) 5 acres, 3 roods, 17 perches, described in deed with diagram, Mullings to Latrobe and Mallalieu, dated 19th June, 1861, and recorded, N. S. Libro 15, folio 266.
- (e) 7 acres, 1 rood, 30 perches, described in deed, Martin to Badham and Spence, dated 22nd July, 1867, and recorded, N. S. Libro 14, folio 466.
- (f) 2 acres at Schoolfield, described in deed with diagram, Hanson to Latrobe and Mallalieu, dated 2nd February, 1841, recorded, Libro 855, folio 28.
- (g) 20 perches at Hopeton, described in deed, Jackson to Badham and Spence, dated 25th July, 1866, and recorded, N. S. Libro 14, folio 468.

5. NEW CARMEL, in the Parish of Westmoreland, with its outstations, as follows :—

- (a) 26 acres, 1 rood, described in deed with diagram, Scott to Latrobe, Moore and Smith, dated 20th January, 1826, recorded, Libro 742, folio 239.
- (b) 8 acres, described in deed with diagram, Senior to Badham and Spence, dated 22nd December, 1865, recorded, Libro 948, folio 12.
- (c) 2 roods, 26 perches, described in deed with diagram, Eglin to Latrobe and Mallalieu, dated 1st June, 1851, and recorded, N. S. Libro 14, folio 459.
- (d) 3 roods, 32 perches, described in deed with diagram, Wallace to Latrobe and Mallalieu, dated 25th January, 1856, recorded, Libro 924, folio 162.
- (e) 1 acre, described in deed with diagram, Smith to Shawe and Taylor, dated 23rd September, 1879, and recorded, N. S. Libro 15, folio 270.
- (f) 2 acres, 32 perches, described in deed with diagram, Levin to Franze, dated 23rd November, 1874, and recorded, N. S. Libro 14, folio 469.

6. NEW EDEN, in the Parish of St. Elizabeth, with its outstations, as follows :—

- (a) 5 acres, described in deed with diagram, Foster to Schlegel, dated 1st February, 1769, and recorded, N. S. Libro 15, folio 334.

- (b) 5 acres, 3 roods, 34 perches, described in deed with diagram, Wint to Latrobe and Mallalieu, dated 20th November, 1848, recorded, Libro 892, folio 85.

7. FAIRFIELD, in the Parish of Manchester, with its outstations, as follows:—

- (a) 39 acres, described in deed with diagram, Powell to Latrobe and Moore, dated 21st June, 1824, recorded, Libro 742, folio 236.
- (b) 7 acres, 2 roods, 20 perches, described in deed with diagrams, Powell to Latrobe and Mallalieu, dated 19th September, 1842, recorded, Libro 855, folio 29.
- (c) 1 rood, 30 perches, described in deed with diagram, Davy to Latrobe and Mallalieu, dated 9th May, 1848, recorded, Libro 891, folio 166.
- (d) 20 acres, 23 perches, at Spurtree, described in deed with diagram, Swaby to Latrobe and Mallalieu, dated 1st July, 1843, recorded, Libro 864, folio 50.
- (e) 10 acres at Pepper, described in deed with diagram, Davy to Latrobe and Mallalieu, dated 31st August, 1848, recorded, Libro 894, folio 3.

8. FULNECK, in the Parish of St. Elizabeth, with its outstations, as follows:—

- (a) 22 acres, 1 rood, described in deed with diagram, Green to Latrobe, Moore and Smith, dated 1st April, 1830, recorded, Libro 772, folio 93.
- (b) 9 acres, 1 rood, adjoining the above and formerly part of Spring Vale Pen, acquired by Writ of Extent in the year 1834, recorded in the Records of Extents in the Supreme Court, Libro 11, folio 148.
- (c) 12 acres at Carisbrooke, described in deed with diagram, Salmon to Badham and Spence, dated 17th March, 1868, recorded, Libro 978, folio 114.
- (d) 1 rood, 28 perches, at Newton, described in deed with diagram, Senior to Fuerstenberg, dated 20th January, 1880, recorded, N. S. Libro 14, folio 463.
- (e) 1 acre, 2 roods, 21 perches, at Ipswich, described in deed with diagram, Thompson to Fuerstenberg, dated 20th February, 1882, recorded, N. S. Libro 14, folio 465.

9. IRWIN HILL, in the Parish of St. James, with its outstations, as follows :—

- (a) 5 acres, 20 perches, described in deed with diagram, Hall to Latrobe, Moore and Smith, dated 26th December, 1826, recorded, N. S. Libro 14, folio 470.
- (b) 9 acres, 3 roods, 20 perches, described in deed with diagram, Stennett to Latrobe and Mallalieu, dated 23rd January, 1857, recorded, Libro 924, folio 46.
- (c) 4 acres, 36 perches, described in deed with diagram, Tye to Mallalieu and Latrobe, dated 16th September, 1859, recorded, N. S. Libro 15, folio 279.
- (d) 1 acre at Hurlocks, described in deed with diagram, Lawson to Smyth, dated 22nd April, 1881, recorded, N. S. Libro 14, folio 464.

10. LITITZ, in the Parish of St. Elizabeth, with its outstations, as follows :—

- (a) 469 acres, described in deed with diagram, Skaife to Latrobe and Moore, dated 1st December, 1834, recorded, Libro 801, folio 58, except such portions thereof as are in the possession of small settlers under deeds of conveyance.
- (b) 2 acres, 1 rood, described in deed, McDonald to Badham and Shawe, dated 8th December, 1877, recorded N. S. Libro 14, folio 462.

11. MIZPAH, in the Parish of Manchester, with its outstations, as follows :—

- (a) 1 acre, 3 roods, described in deed with diagram, Williamson to Latrobe and Mallalieu, dated 18th July, 1853, recorded, Libro 914, folio 22.
- (b) 13 acres, 24 perches, described in deed with diagram, Hall to Badham and Spence, dated 2nd November, 1863, recorded, Libro 949, folio 74.
- (c) 2 acres, described in deed with diagram, Cousen to Badham and Spence, dated 4th December, 1863, recorded, Libro 946, folio 234.
- (d) 20 acres, 11 perches, described in deed with diagram, Heron to Badham and Spence, dated 1st March, 1866, recorded, Libro 948, folio 1.

- (e) 28 acres, 3 roods, described in deed with diagram, Heron to Shawe and Mallalieu, dated 17th June, 1871, recorded, Libro 968, folio 57.

12. NAZARETH, in the Parish of Manchester, with its outstations, as follows:—

- (a) 341 acres, described in deed Cohen to Latrobe and Mallalieu, dated 7th March, 1840, recorded, Libro 843, folio 37, save and except such parts thereof as are in the possession of small settlers under deeds of sale and conveyance.
- (b) 2 acres at Huntly, described in deed, Tomlinson to Latrobe and Mallalieu, dated 14th April, 1856, and recorded, Libro 924, folio 166.

13. SALEM, (or NEW HOPE), in the Parish of Westmoreland, with its outstations, as follows:—

- (a) 33 acres, 1 rood, 10 perches, described in deed with diagram, Gibbs to Latrobe and Spence, dated 18th September, 1860, recorded, Libro 940, folio 138.
- (b) 2 acres, 1 rood, 30 perches, } described in deed with
1 acre, 21 perches } diagrams, Lind to Taylor
and Shawe, dated 28th March, 1882, recorded, N. S.
Libro 15, folio 265.
- (c) 1 acre, 12 perches, described in deed with diagram, Jones to Taylor and Shawe, dated 28th March, 1882, and recorded, N. S. Libro 15, folio 268.
- (d) 22 acres, 3 roods, described in deed, Scott to Latrobe and Mallalieu, dated 11th May, 1854, recorded Libro 913, folio 66, except 22 acres, 1 rood thereof, sold to Thomas Mawbey in 1870.
- (e) 1 acre at Congress, described in deed with diagram, Wade to Mallalieu and Latrobe, dated 3rd March, 1858, recorded, N. S. Libro 15, folio 281.
- (f) 2 acres at Belmont, described in deed with diagram, Senior to Mallalieu and Shawe, dated 31st March, 1871, recorded, N. S. Libro 15, folio 269.

14. SPRINGFIELD, in the Parish of St. Elizabeth, with its outstations, as follows:—

- (a) 30 acres, described in deed with diagram, Longmore to Latrobe and Mallalieu, dated 10th July, 1848, recorded, Libro 894, folio 6.

- (b) 1 acre, 2 roods, described in deed Miller to Shawe and Spence, dated 31st August, 1871, recorded, N. S. Libro 19, folio 227.
- (c) 8 acres, described in deed with diagram, Shakes to Feurig, dated 20th October, 1853, recorded Libro 913, folio 63.
- (d) 1 acre, described in deed with diagram, Miller to Latrobe and Mallalieu, dated 7th March, 1854, recorded, Libro 927, folio 22.
- (e) 1 acre, 1 rood, at Pigsaw, described in deed with diagram, Eldridge to Badham and Shawe, dated 31st July, 1873, recorded, N. S. Libro 15, folio 280.

SCHEDULE B.

Containing the Provisional Trusts referred to in Section 3.

As to for and concerning the said goods, chattels and personal property, Upon Trust to permit and suffer the same to be respectively used and enjoyed for such purposes, and administered and managed in such manner, and by such persons, as the same respective goods, chattels and personal property, have been hitherto customarily used, enjoyed, administered and managed, and in default of proof of such customary use, enjoyment, administration or management, and so far as no such proof shall extend, then for such purposes, in such manner, and by such persons respectively, as the Executive Board in Jamaica, from time to time or at any time, shall, with the general or special sanction or approval of the Supreme Executive Board, direct and sanction.

And as to for and concerning the said respective lands and hereditaments, Upon Trust to permit and suffer all and every such chapels or places of religious worship, theological or educational training institutions, schools, vestries, dwelling houses, offices, outrooms, and other buildings and conveniences, to be erected or built upon the said lands and hereditaments, or being built or erected to be enlarged, improved, altered, repaired, removed or pulled down, as and whenever the Executive Board in Jamaica, from time to time

or at any time, shall, with the general or special sanction or approval of the Supreme Executive Board, direct or sanction ;—

And also to permit and suffer each and every chapel or place of religious worship for the time being upon such lands and hereditaments to be used, occupied and enjoyed, solely as a place for the religious worship and service of God, and the preaching of the Gospel, and expounding and teaching of the Holy Scriptures, according to the doctrines and usages professed and observed by the said Church of the Unity of the Brethren* (commonly called Moravians) ;—

And to permit and suffer each theological institution for the time being on the said lands to be used, occupied and enjoyed, only as an institution for the training of persons for the Christian Ministry of the said Church, and in accordance with its doctrines and usages, and for such other religious and educational purposes only, and by such Superintendents, Ministers and other persons only, as the Executive Board in Jamaica, from time to time or at any time, shall, with the general or special sanction or approval of the Supreme Executive Board, direct or sanction ;—

And also to permit and suffer to officiate in each chapel or place of religious worship on the said lands, and to have the conduct, direction and management, of the services, worship and teaching, therein, such Minister or Ministers only in connection with the said Church as shall be thereunto for the time being appointed by the Supreme Executive Board, or pending reference to them appointed temporarily by the Executive Board in Jamaica, or such person or persons as shall or may from time to time be thereunto on any special occasion requested by such Minister so appointed as aforesaid ;—

And also to permit and suffer every theological or educational or training institution, and every school, on the said lands to be superintended, conducted and carried on, only by such Minister or Ministers of the said Church, or other person or persons, as the Supreme Executive Board shall from time to time appoint, or pending reference to them as the Executive Board in Jamaica shall temporarily appoint, sanction or approve therefor ;—

And also to permit and suffer such dwelling house on the said lands and hereditaments as shall or may at any time be assigned as a residence for the Minister in charge of or connected with any chapel or mission station of the said Church, and the outoffices and appurtenances thereof, including so much land as shall be attached thereto as incident to such residence, to be used and occupied, possessed and enjoyed, as a residence for himself and family, by the Minister appointed as aforesaid to be for the time being in charge of or connected with such chapel ;—

And also to permit and suffer such parts of the said lands and hereditaments (if any) as may be set apart as a burial ground to be used as such by the Ministers and members of the said Church ;—

And also generally to permit and suffer the Minister for the time being superintending or in charge of the station or work to which the said lands and hereditaments are attached or assigned to have the general local charge, direction and superintendence thereof, subject to the directions and control of the Supreme Executive Board, and in subordination thereto subject to the directions and control of the Executive Board in Jamaica ;—

And generally upon trust to permit and suffer the lands and hereditaments, and the erections and buildings for the time being thereon, and their appurtenances, to be used and occupied for such purposes connected with the work of the said Church of the Unity of the Brethren, and in such manner, and by such person or persons, as the Executive Board in Jamaica, from time to time or at any time, shall, with the general or special sanction or approval of the Supreme Executive Board, direct or sanction.

Provided nevertheless that the Minister or person now actually in charge of any chapel on the said lands, or any of them, as the Minister thereof, and every person now actually in charge of such lands, or any of them, or any part thereof, or of any institution, school or residence, on any such lands, for or on behalf of the said Church, shall be deemed to be so in charge by the appointment of the Supreme Execu-

tive Board ;—but that whenever the Supreme Executive Board shall, by any Resolution or other official act, declare any now existing or future appointment of any Minister or person in respect of the said lands, or any part thereof, or of any chapel, theological, educational or training institution or school thereon, to be at an end, such Minister or person shall thereupon absolutely cease to be entitled to the privileges or benefits of the trusts aforesaid in respect of the lands, chapel, institution or school, whereof his appointment shall be so determined.



JAMAICA—LAW 11 OF 1884.

The Jamaica Mutual Life Assurance Society's Trustees Vesting Law, 1884.

[27th November, 1884.]

WHEREAS by the Deed of Settlement of the Jamaica Mutual Life Assurance Society, bearing date on or about the 21st day of March, 1844, and enrolled in the Island Record Office, formerly called the Island Secretary's Office, on the 15th day of August, 1844, in Libro 867, folio 26, it is provided that there shall be at least three and not more than five Trustees of the said Society, to be chosen as therein provided, and that the stocks, funds, securities and property of the said Society, that shall be laid out and invested in accordance with the terms of the said deed and the nature whereof will admit of it, shall be laid out and invested in the names of not less than three of the Trustees for the time being of the said Society: And also that on the removal, death, disqualification or resignation of any Trustee, and as often as the case shall happen, the Board of Directors shall elect and appoint, from amongst the duly-qualified Members of the Society, some person to be a new Trustee in the place or stead of the Trustee so removed, dying or becoming disqualified, or resigning; And also that upon the death, refusal, resignation, disqualification or removal of any such Trustee, the Board of Directors shall at the expense of the said Society cause all such acts and deeds to be done and executed, for the purpose of vesting the trust moneys, stocks, funds, property and securities, which shall at the time of such death, removal, resignation or disqualification, be vested in him, his heirs, executors and administrators, alone or jointly with any other person or persons in trust for the said Society, in three or more of the Trustees, to consist of the continuing Trustees or some or one of them jointly with

Recites the provisions of the Deed of Settlement of the Society dated 21st March, 1884 :—

(a) As to the number of Trustees to be appointed; and the number in whom the Assets should be vested;

(b) As to the appointment of new Trustees;

(c) And as to the vesting of the Assets in the new body of Trustees from time to time.

Recites expedient to provide by Law for the simplification of the method of transferring such Assets to the new body of Trustees.

any other new Trustee or Trustees, as the case may require: And that in case any Trustee shall so be removed or resign his office or become disqualified, he shall at the expense of the said Society do, or join and concur in doing, all such acts as shall be necessary, or as Counsel shall advise, for vesting the trust moneys, stocks, funds, property and security, which shall be at the time of his refusal, resignation or becoming disqualified vested in him alone or in him jointly with any other person or persons, as the Board of Directors shall in that behalf direct: And Whereas it is considered expedient to make provision by law for passing and transferring all the estate, right, title and interest, vested in any Trustee who may have resigned his office, or become disqualified for, or been removed from the same, or in the heirs, executors or administrators of any such Trustee who may have died, in or to the stocks, funds, securities, real and personal property held by him or them in trust for the said Society, unto, and for vesting the same in, the surviving or continuing Trustees, or in any such new Trustees or Trustee along with the surviving or continuing Trustee or Trustees as shall from time to time be appointed as aforesaid in the place or stead of any Trustee or Trustees who may have died, resigned, been removed or become disqualified as aforesaid: And also for vesting in any new Trustee or Trustees, appointed in addition to any Trustees theretofore appointed, a joint estate, right, title and interest, along with such last-mentioned Trustees, in or to any stocks, funds, securities, real and personal property, held by them in trust for the said Society, without the necessity for any formal conveyance or transfer thereof, and also to provide for the giving of evidence thereof:

Enacts.

Be it therefore enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

A Memorial of the present Trustees duly verified by declaration shall be recorded in Island Record Office. First Schedule.

1—A Memorial of the names of the present Trustees of the said Society in the form and to the effect expressed in the First Schedule to this Law, or as near thereto as the circumstances of the case will admit, shall be made by the Chairman or one of the Directors or the Secretary for the time being of the

said Society, and shall be verified by the person making the same, by a declaration in writing, taken and acknowledged before a Justice of the Peace, in the Form prescribed in the First Schedule to this Law; and such Memorial when so verified shall be recorded in the Island Record Office within three calendar months next after the passing of this Law.

2—Whenever any change shall hereafter be made in the body of Trustees of the said Society, either by the appointment of a new Trustee or Trustees in the place or stead of a Trustee or Trustees who has or have ceased to be such, or by the appointment of a Trustee or Trustees in addition to the former Trustees, or by one or more of the former Trustees having ceased to be such without any new Trustee or Trustees having been appointed in his place, a Memorial of the name or names of the new Body of Trustees, specifying in whose place or places any new Trustee or Trustees shall have been appointed, or that any new Trustee or Trustees has or have been appointed in addition to the Trustees theretofore appointed, or that any old Trustee or Trustees has or have ceased to be a Trustee or Trustees, and setting forth the date of the making of such change, shall in like manner be made and verified by the Chairman or one of the Directors or the Secretary for the time being of the said Society, and recorded in the Island Record Office within three calendar months after the making of such change as aforesaid, in the Form or to the effect expressed in the Second Schedule to this Law.

Also a similar Memorial of any changes of Trustees and of the nature of such changes showing the actual body of Trustees from time to time.
Second Schedule.

3—If any declaration so made be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanor.

The falsity of any declaration a misdemeanor.

4—Upon the recording in the Island Record Office of any Memorial of any change having been made in the Body of Trustees of the said Society, as prescribed by Section two of this Law, the said new Body of Trustees shall, as and from the date of the making of such change as set forth in the Memorial as aforesaid, stand seized and possessed of all and singular the stocks, funds, securities, real and personal property, and all and singular the trust estate and premises of every nature

Upon the recording of the Memorial required by section 2, all assets shall vest in the new body of Trustees subject to certain trusts, &c. &c.

or kind whatsoever, which had vested in the former Body of Trustees; and thereafter the same and every part thereof shall be held by the new Body of Trustees for the time being of the said Society subject to all and singular the provisions of the said Deed of Settlement of the said Society, and upon and for the trusts and purposes, and with under and subject to the powers and provisions, applicable thereto respectively declared or contained in any deed, conveyance or writing, creating and making such trusts, powers and provisions, and subject to all and singular the contracts and agreements which shall or may have been made in respect thereto, in the same manner and as fully and effectually as if the said stock, funds, securities, real and personal property, and every part thereof, had been duly conveyed, assigned or transferred by the old Body of Trustees to the new Body of Trustees for the time being as aforesaid, and as if all such contracts and agreements had been entered into and made with such new Body of Trustees for the time being as aforesaid.

The record of such Memorials and of all properly certified copies thereof declared to be legal evidence.

5—The record of the enrolment in the Island Record Office of Jamaica of any Memorial made in pursuance of this Law, or any copy or copies of such record at any time made, and duly certified according to Law in the same manner and form as deeds or other records are certified, shall from and after the passing of this Law be admitted in all Courts and places in this Island as legal evidence to the extent and for the purposes to which the original Memorial would be admitted, any Law, custom or usage to the contrary thereof in anywise notwithstanding.

Title of the Law.

6—This Law may be cited as “The Jamaica Mutual Life Assurance Society’s Trustees Vesting Law, 1884.”

Public Act.

7—This Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others.

FIRST SCHEDULE.

Jamaica ss.

Memorial made the _____ day of _____ of the one thousand eight hundred and _____ of the names of the Trustees of The Jamaica Mutual Life Assurance Society, at the time of the passing of "The Jamaica Mutual Life Assurance Society's Trustees Vesting Law, 1884," enrolled pursuant to the Provisions of the said Law.

A. B. of, &c.	}	The present Trustees of the Jamaica Mutual Life Assurance Society.
C. D. "		
E. F. "		
G. H. "		

I, _____ of the Parish _____ of _____ and Island aforesaid the Chairman [or one of the Directors or the Secretary] of the said Society do hereby solemnly and sincerely declare that the above written Memorial doth contain the names of the Trustees of the said Society at the time of the passing of "The Jamaica Mutual Life Assurance Society's Trustees Vesting Law, 1884," as the same appear in the books of the said Society, and I make this solemn declaration conscientiously believing the same to be true and in pursuance of the provisions of the Statute in that case made and provided.

Taken and acknowledged	}
at _____ this _____	
day of _____ 18 _____	
Before me _____	

SECOND SCHEDULE.

Memorial made the _____ day of _____ 18 _____ of the names of the new Body of Trustees of "The Jamaica Mutual Life Assurance Society" the old Body of Trustees of the said Society having been changed on the _____ day of _____ by the death of A. B. of _____ on the _____ day of _____ no new Trustee having been appointed in his place [Or by the appointment on the _____ day of _____ of A. B. of _____ in the place of C. D. deceased Or by the appointment on the _____ day of _____ of A. B. of _____ in addition to the

Trustees theretofore appointed,] enrolled pursuant to the provisions of "The Jamaica Mutual Life Assurance Society's Trustees Vesting Law, 1884."

A. B. of, &c.

C. D. "

E. F. "

I, _____ of the Parish
and Island aforesaid _____ of the said Society
do hereby solemnly and sincerely declare that the above
written Memorial doth contain the names of the new Body of
Trustees of the said Society, and the nature of the change that
has been made in the former Body of Trustees of the said So-
ciety, and the date of the making of such change, as appears
from the books of the said Society, and I make this solemn de-
claration conscientiously believing the same to be true, and in
pursuance of the provisions of the Statute in that case made
and provided.

Taken and acknowledged
at _____ this _____ }
day of _____ 18 _____ }
Before me

N.B.—The last Memorial as to the then Body of Trustees of
the said Society was enrolled on the _____ day of
18 _____



JAMAICA—LAW 12 OF 1884.

*Incorporated with
Law 27 of 1872*

“The Rio Cobre Canal Law, 1872, Amendment Law, 1884.”

[27th November, 1884.]

WHEREAS it is expedient to amend The Rio Cobre Canal Law, 1872:—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—This Law shall be incorporated and deemed to form one Law with The Rio Cobre Canal Law, 1872.

*Incorporated with
Law 27 of 1872.*

2—It shall be lawful for the Rio Cobre Canal Commissioners from time to time to acquire, in manner specified by Section 11 of the said Law, such lands as they may from time to time deem necessary for the purpose of making Branch Canals for the purposes of the said Law.

*Power to acquire
lands for making
Branch Canals.*



JAMAICA—LAW 13 OF 1884.

The Probate of Wills Law, 1884.

[27th November, 1884.]

WHEREAS it is expedient to make the records of all Wills Preamble.
heretofore proved, and on which letters testamentary
have issued according to the practice of the Courts of this
Island for the time being, and recorded in the Public Re-
cord Office, and also the Probate of Wills heretofore granted
in this Island and to be hereafter granted, and the records
thereof, evidence of the due execution of such Wills, and of the
contents thereof, in so far as any real estate is disposed of or
affected thereby, in the same way, and to the same extent, as the
same are now evidence as to the personal estate thereby dis-
posed of or affected :—

And Whereas it is expedient to give to the several Courts of
the Island having probate jurisdiction power to admit to pro-
bate Wills dealing with real estate only, and in which no Exe-
cutor is appointed :—

Be it enacted by the Governor, with the advice and consent
of the Legislative Council of the Island of Jamaica, as follows :—

1—The record of any Will made on or since the first day of
January 1841 heretofore proved, and on which letters testa-
mentary have issued according to the practice of the Courts
of this Island for the time being, and the probate of any such
Will heretofore granted or hereafter to be granted, and the re-
cord of any such Will or Probate recorded in the Public Record
Office, shall be, until the same shall be set aside or revoked,
conclusive evidence of the contents of the said Will, and of its
due execution, as well in so far as it disposes of or affects real
estate as it disposes of or affects personal estate.

Records of Wills
executed since 1841,
and Probate of
Wills, to be evi-
dence in respect of
real estate.

Right of devisee to
obtain Probate in
certain cases.

2—It shall be lawful for any devisee, or other person interested in any real estate affected or purporting to be affected by any Will, (whether such Will affects or purports to affect personal estate or not, and whether or not any Executor is thereby appointed,) to prove such Will in the Supreme Court, or in case the whole real and personal estate affected, or purporting to be affected, by such Will does not exceed two hundred pounds in value, in the District Court of the District in which such real estate or some part of it is situate; and it shall be lawful for the Court, or a Judge thereof, to grant to any such devisee or other person as aforesaid probate of any such Will as aforesaid, in the same way and subject to the same conditions as such Court grants probate to an Executor in the case of a Will dealing with personal estate, or in which an Executor is appointed; and probate granted in the former case may be revoked by the like proceedings, and in the same manner, as probate granted in the latter case.

Revocation of such
Probates.



JAMAICA—LAW 14 OF 1884.

Quit Rents Forfeiture Law, 1884.

[6th December, 1884.]

*Repeals Law 5 of 1871
and Law 43 of 1871.
Amended with 32
of 1888*

WHEREAS it is expedient to repeal Law 5 of 1871, and Preamble.
Law 43 of 1872 in aid of the same, and to re-enact the
same with amendments:—

Be it enacted by the Governor, with the advice and consent
of the Legislative Council of the Island of Jamaica, as follows:—

1—The term “Quit Rents” shall mean the Quit Rents of one penny for each acre, and for each fraction of an acre, payable under the Provisions of Law 2 of 1875. “Quit Rents” defined.

2—On the passing of this Law it shall be the duty of the Deputy Keeper of the Records, at the expiration of each quarter of every year, to transmit, or cause to be transmitted, to the Collector-General a docket of every Deed or Patent of land which shall have been brought into his office to be recorded during the last preceding quarter, setting forth therein the name of the purchasers or patentees, grantor or grantors, the name of the parish, the quantity of land, and the boundaries thereof, to the intent that the Collector-General may know from whom the Quit Rents thereon shall thereafter be due and payable, in the Form in the First Schedule to this Law annexed; and such dockets shall be numbered from the commencement of each quarter in arithmetical succession, and the Deputy Keeper of the Records shall be entitled to receive, from the party bringing any such deed to be recorded, the sum of one shilling and sixpence.

Transmission, quarterly, of dockets of Records affecting Lands, to the Collector-General.

Form:—
First Schedule.

3—The several Collectors of Taxes for the respective Parishes of this Island shall continue, on the first day of August in each year or within three months thereafter, to make up and fur- Collectors to make annual returns of payments of Quit Rents.

Form :—
Second Schedule.

nish to the Collector-General a true and correct statement of the payments of Quit Rents for the year then last past, with the names of the persons making such payments, in alphabetical order, and the several other particulars shewn in the Form in the Second Schedule hereto annexed, and shall cause a duplicate copy thereof to be entered into the book by this Law required to be kept by such Collector of Taxes; and where during any year payments shall have been made in respect of previous years' Quit Rents such Collector of Taxes shall distinguish the same as shewn in the said Schedule :—

Provided that if the Collector of any Parish shall not have acted as such Collector during the whole of the period for which such statement ought to be made, and shall be unable to make such statement in consequence of his not having acted as such Collector during the whole of the period for which such statement ought to be made, such Collector shall make up the statement required as aforesaid from the accounts, books and records, of the office.

Verification of such
Returns.

4—Each such Return, as well that sent to the Collector-General as that entered in the book, shall be declared to at the foot thereof by such Collector of Taxes, to the effect that the Return contains a just and true statement of all moneys which have been paid to or received by him, or which appear from the accounts, books or records of his office, to have been paid or received at such office, and which Return and declaration shall be in the Form contained in the Second Schedule to this Law, and shall contain the several particulars thereby indicated; and such declaration shall be made before a Justice of the Peace of the Parish.

Form :—
Second Schedule.

Books and Forms
to be furnished to
Collectors.

5—It shall be the duty of the Collector-General, under the direction of the Governor, to supply to the Collectors of Taxes the several books and forms which they are by the Second Section of this Law required to make up and furnish.

How Returns to be
dealt with.

6—The Returns so made to the Collector-General by the Deputy Keeper of the Records and Collectors of Taxes shall, by the Collector-General, be endorsed or signed with the date of their receipt; and the Returns for the whole Island for the year shall afterwards be bound up together in separate books

respectively, and shall be kept as records in the office of the Collector-General.

7—The several Collectors of Taxes shall be bound to keep and preserve in their respective offices the books in which the duplicate copy of these Returns is required to be entered as aforesaid; and such books, as well as those kept by the Collector-General, shall be open to the inspection of the public during office hours.

Preservation and inspection of duplicate copies of Returns.

8—The Returns, as furnished to the Collector-General as aforesaid, shall be sufficient evidence upon which to found the Certificate of the Collector-General as to the payment of Quit Rents, or the non-payment thereof, for the period or any portion of the period comprised in such Returns; and the book containing such entries produced from the custody of any Collector of Taxes, or the Certificate of the Collector-General of the facts shown by such Returns, shall respectively be primary evidence of the facts stated therein, and of the non-payment of monies which if paid should, under this Law, appear as paid therein.

As to evidence of payment or non-payment of Quit Rents.

9—In every case where it shall appear that the Quit Rents are in arrear, and have not been paid in respect of any land in this Island for the space of five years, whether such five years shall have wholly elapsed before the passing of this Law, or be made up by periods partly before and partly after the passing of this Law, such land may be proceeded against as forfeited to Her Majesty, Her Heirs and Successors, for non-payment of such Quit Rents.

Lands forfeitable when Quit Rents in arrear for five years.

10—Notwithstanding payment of any part of such Quit Rents may have been made, yet, if it shall be shewn that, exclusive of the amount paid, there are Quit Rents in arrear and unpaid in respect of any land for the space of five years, such land may be proceeded against as forfeited as aforesaid.

As to proceedings notwithstanding partial payments.

11—All proceedings for the forfeiture of land for non-payment of Quit Rents shall issue solely at the instance of the Crown, and shall be commenced by Writ in the Form given in the Third Schedule to this Law:—

How proceedings for Forfeiture of lands to be instituted.

Provided that before any such proceedings shall issue, three Preliminary notices.

notifications, at intervals of three months each, shall be made in the Jamaica Gazette and in one of the newspapers of this Island, of the names of the defaulters in arrears when known, of the persons in possession, and of the land intended to be proceeded against:—

And provided further that, in the case of unknown defaulters and vacant possession, such notifications shall also appear in the London Gazette and in one of the leading London newspapers.

Issues raised by Writ.

12—The Writ aforesaid shall be deemed to all intents and purposes to raise the issue whether the Quit Rents were in arrear and unpaid for the period of five years, and if so for what period before the date of the Writ, and whether the parties named in the Writ were in possession of the land at the said date, or any other and what parties.

Issue of Writ.

13—Such Writ shall issue upon a precept or fiat, signed by the Attorney-General, and directed to the Registrar of the Supreme Court.

Writ,—to whom directed.

14—The Writ shall be directed to the persons, if any, in possession of the land in all cases where the names of such persons are known to the Attorney-General.

Filing of Writ.

15—The Writ shall be sealed, a copy left with the Officer of the Court signed by or for the Solicitor leaving the same, and such copy shall be filed and an entry thereof made in the same manner as in the case of any other Writ of Summons issuing out of the Supreme Court of Judicature.

Service thereof.

When the Writ is directed to any person or persons by name, it shall be served on such persons in the same manner as the Writ in another action; and in case of vacant possession it shall be served by posting a copy thereof upon the door of the dwelling house, or other conspicuous part of the property.

In any case of doubt, it shall be lawful to apply to the Court or a Judge for directions as to the mode of service, and the Court or Judge may direct how the Writ shall be served.

Appearance and defence to Writ.

16—There shall be no pleadings to any such Writs; but the person served, and, with the leave of the Court or Judge, any other person asserting title to the land or any part thereof, may

appear to defend for the whole or any part of the land comprised in the Writ.

Twenty days from the date of service shall be allowed for entering an appearance:—Provided that the Court or a Judge may allow an appearance to be entered after that period so long as judgment has not been given.

On an appearance being entered, the Crown and the defendant shall be deemed to be at issue as to the truth of the allegations contained in the Writ so far as regards the land in respect of which appearance is entered; and the Registrar shall take the like steps for setting the case down for trial as he is required to take in any ordinary suit in the Supreme Court on the close of the pleadings, and the issue raised as aforesaid shall be tried and determined in the same way as in any ordinary suit.

An appearance may be entered by giving written notice to the Registrar of the Supreme Court to enter such appearance, and it shall be sufficient to give such notice to any Clerk of Petty Sessions or Clerk of a District Court, who shall forthwith forward the same to the Registrar of the Court.

In such written notice as aforesaid the party giving the same shall furnish his name and his address for service. Any such appearance shall be free of stamp duty.

On the Registrar setting any case down for trial as aforesaid the Solicitor of the Crown shall cause notice to be served on any party who has entered an appearance at his address for service, so that the latter shall get the same eight clear days before the holding of the Court at which the trial is to take place. Notice of trial.

17—At the trial of the said issue the Judge shall receive such legal evidence as shall be produced to the Court touching the premises; and a copy of the entry in any book by law heretofore now or hereafter required to be kept in respect to Quit Rents, certified by the Collector-General as a true copy, or if no entry of the lands shall appear in such books then a docket, certified by the Deputy Keeper of the Records as a true docket so far as appears on record in the Record Office of any Deed relating to the land, the subject of the Evidence.

Writ, and the Certificate of the Collector-General of the non-payment of the Quit Rents in respect of that land for the whole or any portion of the time mentioned in the Writ, shall be *primâ facie* evidence of such non-payment, and of the liability of the land to the said Quit Rents.

Verdict, and service of Writ and Verdict with notice on parties not before the Court.

18—If the Jury shall find that the Quit Rents were in arrear and unpaid for the space of five years or upwards before the date of the Writ, the Writ shall not abate by reason that they do not find on the other point as alleged in the Writ, or put in issue; and where the Jury shall find that some person not named in the Writ is in possession, if the residence of such person is known, and in the Island, and so found by the Jury, such person shall be served by leaving with him, or with some person at his last known place of residence, a copy of the Writ and Verdict, and a notice in writing, signed by the Solicitor of the Crown, that such person will be bound by the proceedings unless he obtains an order for a new trial of the issue raised by the Writ before final judgment; if his residence shall not be known, and so found as aforesaid, it shall be sufficient to leave a copy of the Writ and Verdict, and such notice, on some conspicuous part of the land, and affix another copy and notice to the door of the Court House of the Circuit Court at which such Verdict shall have been given; and service of such copy and notice shall be established by the affidavit of the party serving the same, and be returned and filed with the proceedings in the office of the Registrar of the Supreme Court.

Record of parties found by Jury to be in possession of lands.

19—The Registrar of the Supreme Court shall insert in the Table to be kept by him in his office, as hereinafter mentioned, the name of the party found by the Jury to be in possession.

Return of Verdict to Registrar of Supreme Court.

20—Whenever it shall be found by the Verdict of the Jury that the Quit Rents payable in respect of the land comprised in the Writ are in arrear, and have not been paid in respect of the land comprised in the Writ or any part thereof for the space of five years as aforesaid before the issuing of the Writ, the Clerk of the Circuit Court at which the issue shall have been tried shall transmit the said Writ, together with the Verdict of the Jurors, to the office of the Registrar of the Supreme Court, who shall in such case, or if judgment shall

have passed by default shall on application signed by the Attorney-General, insert an abstract relating to such land in a Table to be kept in some public part of his office in the following manner:—

Abstract or Table
of Results.

Informations for Forfeited Lands.

Day Writ Issued.	Person in Possession.	Parish.	Quantity and Abuttals.	If default or Verdict.	Final Judg- ment when to Pass.

21—In cases where no appearance has been entered, or where an appearance has been entered only as to part of the land claimed, upon reading the notifications required by Section 11 of this Law, the Writ, the proof of service, and the Certificate of the Registrar of the Court that although the time for entering an appearance has passed no appearance has been entered, or has only been entered as to part as aforesaid,—

Interlocutory Judg-
ment for the Crown.

and in cases where an appearance has been entered, upon reading the Writ, and the finding of the Jury that the Quit Rents in respect of the land in respect of which the appearance is entered were in arrear for five years, and had not been paid at the time of the issuing of the Writ,—

and in cases falling under the Provisions of Section 18, on proof that the requirements of that Section have been complied with,—

the Supreme Court shall at any time, on application by or on behalf of the Attorney-General, give Interlocutory Judgment in favour of the Crown for the forfeiture of the lands comprised in the Writ as to which no appearance has been entered as aforesaid, or as to which the Quit Rents have been found to be in arrear as aforesaid.

22—Any Interlocutory Judgment obtained under this Law shall be proclaimed at two successive Sittings of the Circuit

Final Judgment
and enforcement
thereof.

(

Court holden for the Parish where the land comprised in the Writ or any part thereof is situated, and also at three successive Sessions of the Supreme Court; and thereafter, if no order shall have been made for a trial or a new trial of the issue raised by the said Writ in manner hereinafter provided, the Court shall, on motion made by or on behalf of the Attorney-General, give Final Judgment for the Crown in the terms of the Interlocutory Judgment aforesaid:—Provided that three months shall have elapsed between the date of the last-named Proclamation and the application for Final Judgment aforesaid. On Final Judgment being given as aforesaid such Judgment shall be binding and conclusive on, and a perpetual bar to, all parties whomsoever claiming any estate or interest in the said land, and the said land shall be vested in the Crown in the same way to all intents and purposes as if no grant of the said land had ever been made, and all necessary writs and proceedings shall be issued and had to put the Crown in possession of the land, and to remove all parties found in possession of the land or any part thereof.

Applications for
New Trial.

Effect thereof and
proceedings there-
on.

23—It shall be lawful for any person, at any time before Final Judgment is given as aforesaid, to apply to the Supreme Court for an order calling on the Attorney-General to shew cause why a trial or a new trial (as the case may be) should not be had of the first issue raised by the said Writ, and it shall be lawful for the Court to make such order absolutely accordingly.

On such order being made a trial or new trial shall be had on the said issue raised by the said Writ.

If a Verdict shall again be given for the Crown, the granting of such trial or new trial shall not in any way prejudice or affect the validity of the previous Interlocutory Judgment, or of any Proclamation made thereof, or in any otherwise prejudice or delay the right of the Crown to Final Judgment of Forfeiture:—Provided always that Final Judgment shall in no case be given when an application for a trial or new trial has been made until either the application has been refused or, if granted, the trial or new trial shall have been had:—Provided also that any application for such trial in respect of part of the lands

comprised in any Writ shall not have any effect to defeat or delay the right of the Crown to Final Judgment in respect of the remaining part.

24—No person shall be entitled to an order under the preceding Section without asserting title to the land.

Pre-requisite to New Trial.

25—It shall be lawful for any person who has appeared to a Writ under this Law, or who has obtained an order for a trial or a new trial of the issue raised by any such Writ, to pay to the Collector-General the amount of the arrear of Quit Rents, and the costs of the Crown in the proceedings; and thereupon the Attorney-General shall enter Satisfaction on the said proceedings:—Provided always that no person shall be deemed to acquire any sort of legal or equitable right or title to the land by reason only of the payment of such arrears.

Payment of Arrears and Costs.

26—Any party appearing to any Writ under this Law, or obtaining an order for a new trial under this Law, shall be deemed thereby to join issue on the issues raised by the Writ; if an appearance, or if an order for a trial or a new trial, be as to part of the land the appearance or the order, as the case may be, shall accurately describe the portion of the land claimed, by stating the number of acres and the abutments.

Effect of appearance or order for a New Trial.

Limited appearance or order.

27—The issues raised by any Writ under this Law shall be tried before a Jury in the Circuit Court having jurisdiction in the Parish where the land or some part of it lies:—

How and where issues to be tried.

Provided that, in cases where the Circuit Court is held for two Parishes alternately in one or other of such Parishes, the issues aforesaid shall in every instance be tried in the Parish in which the land or some part thereof lies.

28—Law 5 of 1871, and Law 43 of 1873 in aid of the same, shall be and the same are hereby repealed:—

Repeal of Law 5 of 1871, and Law 43 of 1873.

Provided always that where anything is required to be done by the said Law of 1871, whether as the same originally stood or as it has been subsequently amended, which is also required to be done by this Law, the repeal aforesaid shall not be deemed to affect the validity or legal effect of any such thing done under the said Law, but the same shall be regarded as if it had been done by virtue of and in accordance with the Provisions of this Law.

Proviso.

FIRST SCHEDULE.

Dockets of Deeds recorded in the Record Office of this Island from the
day of to the day of 188

No.	Title of Deed and Parties thereto.	Parish.	Name of Property.	Particulars, Des- cription and Boundaries, of Land.	Date of Deed.	Date of Record.	Number of Acres.

SECOND SCHEDULE.

Statement of Quit Rents and Arrears paid in the Parish of for the
year 18

Name (alphabetical order).	Estate, or part of Estate.	Acres of Land.	Quit Rents for current year paid.	Arrears of Quit Rents.	For what Years.

I, A. B., Collector of Taxes for the Parish of solemnly
and sincerely declare that the above Schedule contains a full
just and true statement of all moneys which have been paid
to or received by me, or which appear from the accounts
books and records of my office to have been paid to or re-
ceived at my office, from any person whomsoever, on account
of the Quit Rents for the Parish of during the year
from the day of 18 to the day of
18 , distinguishing what has been paid on account of the
arrears for previous years ; and I make this solemn declara-
tion conscientiously believing the same to be true, and by vir-
tue of the Provisions of an Act, made and passed in the sixth
year of Her Majesty's Reign, entitled "An Act to abolish oaths

“and affidavits, except in certain cases, and to substitute declarations in lieu thereof, and to suppress voluntary and extra-judicial oaths and affidavits.”

Taken and acknowledged, &c.

THIRD SCHEDULE.

Jamaica (*venue*).

Victoria, &c., to X.Y.Z. and all other persons (*or if it is believed that there is no one in possession of the land, to all persons*) entitled to (*describe the property with reasonable certainty*) in the Parish of


Whereas we are given to understand that the Quit Rents payable to us in respect of the said land for the space of years before the issuing of this our Writ have remained and been in arrear and unpaid:—

And Whereas we are informed that X. Y. and Z. (*as the case may be*) are at present in the possession of the said land, (*or that there is no person at present in possession of the said land as the case may be*):—

And Whereas we intend to proceed against the said land as forfeited to us under the Quit Rents Forfeiture Law 1884 for non-payment of such Quit Rents:—

These are to will and command you, or such of you as deny our right to the said land, within twenty days after service hereof to appear in our Supreme Court to defend for such land, or for such part thereof as you may be advised; in default whereof Judgment may be signed for the said land or part thereof, and the land may be declared forfeited to us and all persons turned out of possession of the said land.

Witness, &c.

 Take notice that an appearance may be entered by giving written notice to the Registrar of the Supreme Court to enter such appearance, and it shall be sufficient to give such notice to any Clerk of a District Court or Clerk of Petty Sessions.



JAMAICA—LAW 15 OF 1884.

*Repeals Law 22 of 1874
See! 232*

A Law to Amend the Practice of the District Courts in Probate and Administration.

[6th December, 1884.]

BE it enacted by the Governor, with the advice and consent Preamble.
of the Legislative Council of the Island of Jamaica, as follows:—

1—It shall be lawful for every District Court, on application being made to it for Probate of any Will or for Letters of Administration, to receive evidence by affidavit of the due execution of the Will, and of all matters and things required to be proved in support of such application. And it shall be sufficient in all cases where an oath is required to be taken that such oath shall be in writing, and shall be taken before a Justice of the Peace, and filed in the said Court. Power to prove Wills in the District Court by affidavit.

2—Every Clerk of a District Court shall enter at length all original Wills, of which Probate or Letters of Administration with the Will annexed may be granted by the Judge of such District Court, in a book to be kept by him in the office of the said District Court at its principal station, and shall carefully examine and compare the same with the original Will, and shall thereafter transmit such original Will, with such particulars of the grant of Probate or Letters of Administration thereon as may be required by any District Court Rules now or hereafter to be in force, to be kept and preserved, and entered and recorded in the Island Record Office. Entry and Record of Wills and Probates.

3—Section 232 of Law 22 of 1874 is hereby repealed.

Law 22 of 1874, Section 232 repealed.

JAMAICA—LAW 16 OF 1884.

THE UNITED PRESBYTERIANS IN JAMAICA INCORPORATION AND VESTING LAW, 1884.

ARRANGEMENT OF CLAUSES.

1.—Interpretation Clause.

CORPORATION.

- 2.—Its constitution and name.
- 3.—Removal of Members.
- 4.—Appointment of Successors.
- 5.—Non-liability of Members.
- 6.—Seal.
- 7.—Power to make Rules.
- 8.—Temporary provisions.

PROPERTY OF CORPORATION.

- 9.—Vesting Clause.
- 10.—Power to acquire.
- 11.—Trusts on which Property to be held.
- 12.—Transfer of Church Property.
- 13.—Power to appoint Attorneys.
- 14.—Power to dispose of Property.
- 15.—Application of proceeds.

MISCELLANEOUS.

- 16.—Execution of Deeds by Corporation.
- 17.—Reference of disputes or questions.
- 18.—Evidence of Acts of Synod or Mission Board.
- 19.—Rights reserved.



JAMAICA—LAW 16 OF 1884.

The United Presbyterians in Jamaica Incorporation and Vesting Law, 1884.

[6th December, 1884.]

WHEREAS it has been shewn, to the satisfaction of His Excellency the Governor and the Legislative Council of Jamaica, by the Foreign Mission Board of the United Presbyterian Church in Scotland, and the Synod of the Presbyterian Church of Jamaica in connection with the said United Presbyterian Church, and by others, as follows, that is to say :—

Preamble.

- a. That in or about the year 1824 a certain Society of persons, known as the Scottish Missionary Society, commenced a Mission in this Island, and sent out missionaries and other agents to preach and teach the Gospel of Christ amongst the people of this Island, and for the purposes of that Mission landed property was from time to time acquired by means of funds raised by the said Scottish Missionary Society for that purpose, and was vested in Trustees for the said Scottish Missionary Society, for the purposes of their Mission aforesaid. Commencement of Mission in Jamaica by the Scottish Missionary Society.
- b. That in or about the year 1836 the United Secession Church in Scotland, which in the year 1847 was merged in and assumed the title of the United Presbyterian Church, also commenced a Mission in this Island, and sent out missionaries to preach and teach the Gospel of Christ to the people of this Island, which Mission was entrusted to and placed under the control and management of a committee or body of ministers and others in Scotland constituting their Board of Missions. Commencement of Mission in Jamaica by the United Presbyterian Church.

Transfer by the Scottish Missionary Society to the Mission Board of the United Presbyterian Church of their Mission Work agents and property.

c. That under and by virtue of certain tentative and provisional agreements, made between the Directors of the Scottish Missionary Society and the Board of Missions of the United Presbyterian Church, on the 4th and 5th days of October in the year 1847, for the transference to the said Board of Missions of the missionaries and agents, and the churches, school houses, dwelling houses and other property, of the said Scottish Missionary Society, the said Board took over, and undertook the control, management and maintenance, of the said Mission, agents and property, and the continuance of the said Mission work in Jamaica; and ultimately under and in accordance with resolutions of the said Scottish Missionary Society, made and passed on the 29th day of September in the year 1870, and accepted by the said Board of Missions, the transfer of the said Mission property and work to the said Mission Board was made permanent and absolute; and the said property of the Scottish Missionary Society was, under their directions, transferred by the trustees thereof to trustees appointed by the said Mission Board, in trust generally for the purposes of the Foreign Missions Committee of the said Board in the prosecution of their Mission work in Jamaica, and with certain powers of dealing with or disposing of the said property with the sanction or under the direction of the said Foreign Missions Committee of the said Mission Board; and the said property so transferred has thenceforward continued to be, and still is, in the possession and occupation of the ministers and agents of the said Mission Board for the purposes of their said Mission in Jamaica.

Increase of their Mission Work and Property.

d. That under the auspices of the Mission Board the Mission work of the United Presbyterian Church has largely increased in this Island and its dependencies, and now includes a Theological Training College, besides a large number of churches, preaching stations and schools, throughout a considerable portion of the Island.

- e. That, subject to the said Mission Board, the churches, stations, schools and other property in Jamaica, of the said United Presbyterian Church are, in accordance with the principles, practices and usages, of the said Church, under and subject to the local governance, control and management, of the Synod of the Presbyterian Church of Jamaica, and subordinately to the local Presbyteries; and subject to such control each property, with the buildings thereon, and sub-stations and schools connected therewith, is occupied by or under the supervision and management of the minister or other person or persons for the time being duly appointed thereto. Control of Church property.
- f. That for the purposes of the said Mission, and in enlarging the operations in Jamaica of the United Presbyterian Church, other landed property has been from time to time acquired by means of funds furnished partly by the said Mission Board in Scotland, and partly contributed and collected for the purpose by members of the said Presbyterian Church of Jamaica. Lands acquired by means of funds voluntarily contributed.
- g. That in acquiring such lands, the title deeds thereof have been taken in the names of various persons as trustees, many of whom have since departed this life; and the several trusts therein respectively declared, though for the benefit of the Presbyterian Church of Jamaica in connection with the said United Presbyterian Church in Scotland, and for the purposes of the Mission aforesaid, under the control of the said Mission Board, are in many instances of a very diverse character, some of them recognizing the said Mission Board, while others recognize only the said Synod of Jamaica, or the local Presbytery, or specific churches or congregations. How these lands are held.
- h. That in a few instances independent churches based on congregational principles have sought to be united with the said Presbyterian Church of Jamaica, and have placed themselves under the pastorate of ministers of the said Presbyterian Body, and under the government and control of the said Synod and local Union of other Churches.

Presbyteries, and accepted the benefits of being thus incorporated into and becoming part of the Mission work of the United Presbyterian Church.

Succession of Trustees as vacancies arise.

- i. That in consequence of the deaths of trustees from time to time, and the necessity which has thence arisen for the appointment of new trustees at considerable expense (a necessity which is likely to be of continual recurrence unless some remedy be adopted), it has been deemed desirable, in the interests of the Mission, and of the various churches connected with it, that the property from time to time heretofore acquired and hereafter to be acquired for the purposes of the said Mission, or for the benefit of the Church work, or educational or training work, of the said Presbyterian Church of Jamaica, or belonging to churches uniting with it, should be vested in a Body Corporate, upon, with and subject to, a uniform set of trusts, powers and provisions, consistent with the doctrines and practices of the United Presbyterian Church, and with the requirements of their Church government and polity, and that for such purpose a Body Corporate should be created with perpetual succession, and with usual powers.

Present and proposed supervision and control of the Churches.

- j. That hitherto and at the present time the Mission work and the churches of the said Presbyterians in Jamaica are to some extent maintained by, and under the supervision and control of, the said Foreign Mission Board (formerly known as the Foreign Committee of the Board of Missions) of the United Presbyterian Church in Scotland; but it is contemplated that, in the course of time, the work and churches of the Presbyterians in Jamaica should become self-supporting, and should thereupon also become free from such supervision and control of the said Foreign Mission Board; and it is desirable in the constitution of such Body Corporate, and in determining its powers, and the trusts and provisions subject to which the property of the churches shall be vested in it, to provide for the continuance of such control for the present,

and for its ultimate discontinuance when the state of the work and churches in Jamaica shall render it desirable that such external control should cease.

6. That the several lands and hereditaments mentioned and referred to in Schedule A hereto are lands and hereditaments so acquired as aforesaid for the purposes of the said Mission, and belonging or appurtenant to the Mission stations of or connected with the said Mission. Acquisition of Scheduled lands &c.
7. That the Church Authorities of the said Presbyterians in Jamaica, and the said Foreign Mission Board in Scotland, have selected and approved the persons hereinafter named as the persons to constitute in the first instance such Body Corporate, and have desired that the Provisions hereinafter enacted should become law. Selection of first Members of Corporation.

And Whereas it is expedient that an Incorporate Body, with the powers and subject to the provisions hereinafter contained, should be constituted by Legislative Enactment, and that the property in Jamaica and its dependencies of the United Presbyterian Church in Scotland should be vested in such Incorporated Body, subject to the trusts and provisions, and with the powers, herein provided for, and that the property of the said Church should be placed on a sound and satisfactory basis:—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica as follows, that it is to say:—

1—In the construction of this Law, unless the context renders a different meaning necessary, Definitions.

“The Synod” means the Synod for the time being of the Presbyterian Church of Jamaica in connection with the United Presbyterian Church in Scotland, and includes any Body, Convention or Meeting (by whatever name it may be called), which shall for the time being exercise in Jamaica the functions of such Synod, and whether such Synod shall or shall not hereafter become independent of the United Presbyterian Church in Scotland; The Synod.

The Mission Board.

“The Mission Board” means the Foreign Mission Board of the United Presbyterian Church in Scotland, and includes any Board, Committee or Body, duly constituted or recognized (by whatever name it may be called), which shall for the time being exercise in Scotland the functions of such Board;

The Corporation.

“The Corporation” means “The Jamaica Presbyterian Corporation;”

Independent.

The Presbyterian Church of Jamaica shall be deemed to be “independent” when and so soon as Resolutions, declaring the Presbyterian Church of Jamaica to be no longer under the control of the Mission Board, shall be passed by the Synod and the Mission Board respectively, and shall be recorded in the Record Office of the Island of Jamaica.

BODY CORPORATE—ITS CONSTITUTION.**Constitution of Body Corporate.**

2—The following persons, being persons approved by the Synod and the Mission Board, that is to say:—

The Reverend Alexander Robb, D.D.,
 The Reverend Adam Thomson,
 The Reverend William Gillies,
 The Reverend George Boyle Alexander, M.A.,
 Thomas Francis Roxburgh, Esquire,
 Robert Thomas Clerk, Esquire, and
 Robert Watson, Esquire,

and their successors to be appointed as hereinafter mentioned, shall be and are hereby created one Corporation or Body Politic, to have continuance forever and perpetual succession, by the name of “The Jamaica Presbyterian Corporation,” and by that name may sue and be sued, plead and be impleaded, in all Courts of Law or Equity.

Power to remove Corporators.

3—The Synod may,
 with the sanction of the Mission Board until the Presbyterian Church of Jamaica becomes independent of the Mission Board, and
 of its own authority after the said Church shall have become so independent,
 remove any of the members of the said Body Corporate, and substitute another or others.

4—The successors of the members of the Corporation, as vacancies occur amongst such members by death, resignation, removal or otherwise, and as soon thereafter as may be found convenient, may be appointed by the Synod :—

Appointment of
Successors.

Provided nevertheless that until the Presbyterian Church of Jamaica becomes independent of the Mission Board no such nomination or appointment shall be valid or operative unless and until sanctioned by the Resolution of such Mission Board :

And Provided further that the fact of any vacancies existing at any time among the members of the Corporation shall not be held to affect the continuance of the Corporation, or the validity of any of its acts or deeds.

5—No member of the Corporation shall be in any way personally responsible, as such, or as a trustee of any of the lands, hereditaments, goods, chattels or effects, for the time being vested in the Corporation, for or in respect of any debts due, owing or accruing, or hereafter to accrue, upon or in reference to such trust property, nor for any involuntary loss suffered by the Corporation, or any member thereof, nor for more money than shall come to his hands, nor for any injury which may be done by others to the said trust property, or any part or parts thereof.

Non-liability of
Members.

6—The Corporation shall have a common seal, with such stamp and inscription to be made thereon as the members for the time being of the Corporation shall think proper to adopt ; and it shall be lawful for them from time to time to break, alter or renew, the said seal, as they shall think proper.

Common Seal.

7—In respect of all matters within the province or discretion, or subject to the election, decision, control or management, of the Corporation, or the members thereof, it shall be lawful for the members for the time being of the Corporation, from time to time or at any time or times, to make such Rules, in harmony with the purposes of the Corporation, as may be deemed desirable for

Power to make
Rules.

the convening the members of the Corporation,
conducting their business,
carrying into effect the trusts and powers vested in or
conferred upon them, and
recording their proceedings,

and to revoke, alter, add to or modify, all or any of such Rules; and such Rules, revocations, alterations, additions and modifications respectively, shall be and be deemed to be in force when submitted to, and approved of and confirmed by,

the Synod and the Mission Board while the Presbyterian Church of Jamaica is not independent, or

the Synod alone when such Church is independent ;

and all Rules in force shall be binding on the members of the Corporation.

Temporary provisions.

8—Until and except as such Rules shall be so made, confirmed and in force, and subject thereto,—

- a. The senior member of the Corporation shall be the convener, with full powers as such ; and for this purpose the members named herein shall rank in the order named in the second Section of this Law ;
- b. In all cases of a difference of opinion, the decision of an absolute majority of the members for the time being shall be deemed to be the decision or act of the Corporation ;
- c. Members may, in cases where personal attendance can be dispensed with, express their opinion in writing addressed to the convener, and the opinion so expressed maybe recorded as the vote of the absentee member.

PROPERTY OF CORPORATION.

Church property vested in the Corporation. Schedule A.

9—The lands and hereditaments mentioned or referred to in Schedule A. hereto, and all the estate and interest of all and every and any of the grantees named in the several deeds mentioned in the said Schedule, their heirs and assigns, of and in the lands and hereditaments by such deeds or any of them vested in or granted to such grantees, or any of them, for any estate or interest, or mentioned so to be, and all other lands and hereditaments (if any), and all goods, chattels and personal property, in the Island of Jamaica or any of its Dependencies, which are now legally or equitably the property of the Presbyterian Church of Jamaica in connection with the United Presbyterian Church in Scotland, or are now held in trust for the purposes of the said Church, or are now possessed, used, occupied or enjoyed, as church property, by

the said Church, or by the officials, ministers or members of the said Church, or any of them, or by any person or persons holding under such officials, ministers or members, or any of them, are hereby transferred to and vested in the Jamaica Presbyterian Corporation, their successors and assigns, subject to such rights and reservations (if any) in favor of the grantors in any such deeds as may in any such deeds be provided for or reserved.

10—The Corporation has full power to acquire by purchase, transfer, donation, exchange, devise, bequest, grant, gift, conveyance or otherwise, for the benefit and purposes of the said Presbyterian Church of Jamaica, or for any special purpose or purposes of or connected with them, or their work in Jamaica or in any of its Dependencies, any lands, hereditaments, goods, chattels and effects, or real or personal property, or any estate or interest therein.

Power to acquire property.

11—All lands and hereditaments hereby vested in, or which may hereafter at any time be acquired by or become vested in, the Corporation shall be held, occupied, possessed and enjoyed, upon such general or special trusts, and for such general or special purposes, and with and subject to such general or special powers and provisions, as shall from time to time, or at any time or times, in respect of all or any of such lands, be declared by Resolution of the Synod, of its own authority when the Presbyterian Church of Jamaica shall become independent, and until then with the sanction of the Mission Board, and until and subject to such declarations, and so far as the same shall not extend, upon the trusts and for the purposes, and with and subject to the powers and provisions, mentioned and set forth in Schedule B hereto.

Trusts on which Property to be held. Schedule B.

12—In the case of any church or congregation desiring to unite with the Presbyterian Church of Jamaica, and to adopt their principles and practices, and submit to the jurisdiction and rules of the Synod, the Corporation may accept the transfer of the property of such church, to be held subject to the trusts from time to time affecting the property vested in the Corporation, and such transfer shall be made by the trustees of such property, under the Resolution of such church or con-

Transfer of other Church Property.

gregation directing such transfer, duly passed at a church meeting of such church or congregation by the like majorities and in like manner as would authorize a sale of the same lands, or otherwise duly passed in accordance with the rules or practices of such church or congregation.

Power to appoint
Attorneys.

13—It shall be lawful for the Corporation, from time to time when and as it may be deemed necessary or advisable, by deed to appoint a person or persons as the attorney or attorneys of the Corporation, or of the members thereof, either generally or for a limited period, for all or any of the purposes following, that is to say:—

- a. Taking possession or taking care of, or managing or collecting the rents of, any property real or personal for the time being vested, or claimed to be vested, in the Corporation,
- b. Enforcing or carrying into effect the trusts or provisions affecting or relating to any such property real or personal,
- c. And carrying out the directions of the members of the Corporation, or of the Synod, or of the Mission Board, in respect of the same trust premises, or any of them, and such appointments and powers of attorney from time to time at pleasure by deed to revoke and determine.

Power to dispose of
property.

14—The Corporation may, from time to time as may be deemed desirable, sell and dispose of, transfer, exchange, lease, rent out or convey, any lands, hereditaments, buildings, goods, chattels or effects, for the time being vested in the Corporation:—

Provided nevertheless that no land, hereditaments, buildings or real property, shall be sold, disposed of, exchanged or conveyed, or leased or rented for any term longer than from year to year, without the express concurrence and approval of the Synod, nor, until the Presbyterian Church of Jamaica is independent, without the express sanction of the Mission Board.

Application of pro-
ceeds of property.

15—All rents, issues and profits, of the lands and hereditaments vested in or acquired by the Corporation, and all proceeds of such of them as shall be sold or exchanged, shall be paid to the Treasurer of the Synod for the purposes of the Presbyterian Church of Jamaica.

MISCELLANEOUS.

16—No deed or document purporting to be executed by the Corporation shall be of any force or validity unless it be sealed with the Corporate Seal thereof, and countersigned by at least four of the members of the Corporation, nor unless, in cases where the concurrence of the Synod is required, the Resolution of the Synod, duly signed by the Moderator and Clerk thereof, evidencing such concurrence, is annexed to such deed or document, or incorporated therein, nor unless, in cases where the concurrence of the Mission Board is required, the Resolution of the Mission Board evidencing such concurrence, duly signed by the Secretary thereof, is proved by the Secretary of the Board by declaration in like manner as, by the laws for the time being in force in Jamaica, deeds executed in Scotland are required to be proved, and is annexed to such deed or document.

Execution of Deeds
by Corporation.

17—In all cases of any question or dispute in reference to the trusts, powers or provisions, affecting any lands or hereditaments vested in or claimed to be vested in the Corporation, or the exercise or enforcement thereof, or in reference to the doctrines or usages of the United Presbyterian Church, or the Presbyterian Church of Jamaica, or the jurisdiction of any of their respective Synods in relation to any such lands, or the occupancy, charge or superintendence thereof, or any trusts or provisions affecting the same, or in reference to the members of the Corporation, or in reference to the right of any minister or person to occupy, superintend, or take or keep charge of, any such lands or hereditaments, or any part thereof, or any buildings thereon, the same shall be referred to the Synod, and its decision thereon shall be absolutely binding and conclusive as to such question or dispute when the Presbyterian Church of Jamaica is independent, and shall be in like manner binding and conclusive before the said Church shall become independent unless and except as the same may be reversed or modified by the Mission Board on appeal to it in due course and without delay.

Reference of ques-
tions and disputes
to the Synod.

18—For the purposes of this Law, any Resolution, decision or document, purporting to be signed by the Moderator and Clerk of the Synod, or purporting to be signed by the Secre-

Evidence of Acts
of Synod or Mission
Board.

tary of the Mission Board, and purporting to be proved by a Statutory Declaration of such Clerk of Synod or Secretary of the Mission Board (as the case may be), shall be *primâ facie* evidence of the official status of the parties signing the same, and also of the facts therein stated, in all Courts of Justice and elsewhere in this Island.

Reservation of
rights.

19—Nothing herein contained shall affect or be deemed to affect the rights of Her Majesty the Queen, Her heirs or successors, or of any bodies politic or corporate, or other person or persons, except such as are mentioned or referred to in this Law, and except all persons claiming legally or beneficially from, through or under them, or any of them, otherwise than by express contract for purchase from any grantees or grantee named in the several deeds mentioned in Schedule A. hereto.

SCHEDULE A—Being Schedule of Lands Vested in the Corporation under this Law.

Names of Main Stations.	Parishes in which situate.	Quantity of Land.			Lands described in the under-mentioned Deeds, or in Diagrams annexed thereto, or by reference therein.	Date of Deeds.	Recorded in Record Office.	
		A.	B.	P.			Libro.	Folio.
Bellevue	Trelawny	14	0	10	Deffell and ux. to Anderson	December 10, 1840	847	215
		36	0	0	Anderson to Renton and al.	January 1, 1853	N.s.16	346
Brownsville	Hanover	1	2	0	Reid and ux. to Thomson and al.	July 12, 1876	973	470
		0	2	28	Watson and ux. to Carlile and al.	1850	899	128
		17	0	0	Watson and ux. to Niven and al.	September 20, 1861	934	24
		56	1	10	Watson and ux. to Carlile and al.	June 17, 1872	967	9
		0	1	3	Gilpin and ux. to Carlile and al.	September 3, 1856	N.s.16	342
Carron Hall	Westmoreland St. Mary	0	1	0	Chrystie and al. to Carlile and al.	February 23, 1850	899	127
		2	0	17	Whittingham to Carlile and al.	September, 1862	953	125
		4	0	0	Whittingham et. ux. to Thomson et. al.	October 13, 1884	18th Oct., '84	
		4	2	0	Hogg to Carlile and al.	August 24, 1865	942	140
		21	2	0	Peterswald and ux. to Cowan	October 1, 1835	811	13
		6	1	24	Thompson and al. to Cowan	October 15, 1841	N.s.16	347
		0	0	23	McCrie to McGill and al.	December 9, 1872	N.s.15	320
Cedar Valley Chapelton Ebenezer	St. Catherine Clarendon Manchester	13	2	0	McLeod and ux. to Robb and al.	May 30, 1882	N.s.16	95
		46	0	0	Martin et. ux. to Robb et. al.	December 25, 1883	N.s.20	468
		1	0	0	McGregor and ux. to Campbell and al.	June 8, 1852	924	169
		2	2	16	Thompson to Robb and al.	May 16, 1882	N.s.14	218
		4	0	0	Chauncey to Hogg and al.	August 1, 1850	909	126
		5	3	0	Main to Hogg and al.	December 3, 1866	946	83
Friendship	Westmoreland	4	0	0	Martin and ux. to Alexander and al.	April 2, 1872	957	119
		3	2	20	Lind and al. to Baillie and al.	June 2, 1881	N.s.11	463
		7	0	0	Niven to Segre and al.	April 21, 1874	981	254

Schedule A—continued.

Names of Main Stations.	Parishes in which situate.	Quantity of Land.	Lands described in the under-mentioned Deeds, or in Diagrams annexed thereto, or by reference therein.	Name of Deeds.	Date of Deeds.	Recorded in Record Office.	
						Libro.	Folio.
Goshen	St. Mary	A. B. P.					
		12 3 0					
		9 3 12					
Green Island	Hanover	0 1 0					
		16 2 15					
Hampden	Trelawny	90ft. by 80ft.					
		0 1 30					
		1 0 0					
	St. James	28 3 0					
		1 2 0					
		0 0 30					
Kingston	Kingston	1 2 0					
		15 1 15					
		100ft. by 150ft.					
Lucea	Hanover	150ft. by 150ft.					
		150ft. by 120ft.					
		130ft. by 120ft.					
		118ft. by 43ft.					
		Quantity not specified					
		5 1 0					
		0 1 12					

Schedule A—continued.

Names of Main Stations.	Parishes in which situate.	Quantity of Land.	Lands described in the under-mentioned Deeds, or in Diagrams annexed thereto, or by reference therein.	Date of Deeds.	Recorded in Record Office.	
					Libro.	Folio.
Lucea (contd.) ...	Hanover ...	A. R. P. As per Diagram 5,717 square feet. 0 1 8 5 0 0 3 0 0 16 3 30 0 2 0	Hine and ux. to Campbell and al.	June 28, 1866	N.s.16	332
			Ritchie and al. to Campbell and al.	May 30, 1862	955	14
			Nelson to Campbell	December 2, 1868	954	211
			Batcock and ux. to Campbell	July 16, 1860	931	112
			Campbell and al. to Campbell and al.	October 28, 1864	942	141
Montego Bay ...	St. James ...	Quantity not specified 0 3 18 As per Diagram 0 0 32 5 1 15 0 1 30	Grant to Campbell	December 28, 1867	955	17
			Malcolm to Campbell and al.	June 15, 1871	N.s.18	32
			Morris and al. to Dewar and al.	June 8, 1841	857	29
			Manderson and al. to Thomson and al.	April 14, 1851	903	152
			Miller to Thomson and al.	July 30, 1868	951	146
Mount Carmel ...	Clarendon ...	Quantity not specified 0 0 32 5 1 15 0 1 30	More to Thomson	December 25, 1879	N.s.16	331
			Jones to Martin and al.	July 10, 1877	N.s.18	30
			Taylor to Scott and al.	April 22, 1881	N.s.18	36
			Hilton and al. to Watson and al.	April 3, 1865	N.s.15	329
			Watson and ux. to Waddell	April 29, 1839	637	73
Mount Hermon ...	Westmoreland ...	164 0 0 10 2 0 8 3 0 2 2 0 0 1 0	Barritt and al. to Scott and al.	March 8, 1841	864	71
			Webb to Baillie and al.	April 9, 1881	N.s.13	419
			Gray to Waddell and al.	December 28, 1836	810	71
			Duncan and al. to McGill and al.	December 9, 1872	N.s.18	41
			Duncan and al. to McGill and al.	December 9, 1872	N.s.18	41
Mount Horeb ...	St. James ...	60ft. by 40ft. 8 2 0 7 0 0	Hawthorn and al. to Thomson and al.	October 1, 1867	951	18
			Grant and ux. to Niven and al.	November 28, 1849	N.s.18	27
Mount Olivet ...	Manchester ...					
Mount Zion ...	St. James ...					
Negril ...	Westmoreland ...					

Schedule A—continued.

Names of Main Stations.	Parishes in which situate.	Quantity of Land.			Name of Deeds.	Date of Deeds.	Recorded in Record Office.	
		A.	B.	P.			Libro.	Folio.
New Broughton ...	Manchester	5	1	12	Paterson and al. to McGill and al.	July 21, 1875	974	55
		40	0	0	Crawford and al. to Hogg and al.	September 25, 1865	954	95
		6	1	0	Dawson and ux. to Hogg and al.	April 23, 1846	881	186
		2	0	0	Heron to Hogg and al.	May, 1847	N.S. 16	385
Port Maria ...	St. Mary	3	1	0	Sampson and ux. to Hogg	November 5, 1873	N.S. 16	330
		0	3	0	Brown and al. to McGill and al.	December 9, 1872	N.S. 18	45
		2	0	0	McOrie to McGill and al.	December 9, 1872	N.S. 15	320
		25	0	0	Johnstone to Scott	September 16, 1878	N.S. 18	54
		210	0	0	Simpson to Martin and al.	May 2, 1865	942	107
		5	0	0	Fairweather and ux. to Martin and al.	December 23, 1876	N.S. 18	29
		0	2	0	McLean to Scott and al.	May 17, 1882	N.S. 18	55
		0	3	25	Ritchie to Scott	July 8, 1878	N.S. 1	92
Riverside ...	Hanover	11	2	26	Goodin and al. to Campbell and al.	August 14, 1866	955	15
		1	0	0	Vidal to Campbell and al.	October 3, 1866	955	13
Rose Hill ...	St. Mary	1	0	0	Boyd and al. to Anderson	December 24, 1861	933	179
		6	0	0	Gordon and ux. to Ross and al.	December 4, 1841	848	124
		1	0	0	Westmorland to Lloyd and al.	November 19, 1878	N.S. 18	33
		5	0	0	Davis and al. to McDonald and al.	June 14, 1881	N.S. 16	339
Sterling ...	Westmoreland	0	1	36	Marshall et ux. to Robb et al.	January 22, 1884	N.S. 22	162
		4	2	21	Niven to Niven and al.	October 2, 1865	942	190
Victoria Town ...	Manchester	1	0	0	Nuckel and al. to Ballantine and al.	November 13, 1868	N.S. 16	837
		3	0	0	Farquhar to Hanna and al.	June 13, 1869	N.S. 18	87
		1	1	16	Chambers to Hogg and al.	July 19, 1852	N.S. 18	34

Lands described in the under-mentioned Deeds, or in Diagrams annexed thereto,
or by reference therein.

SCHEDULE B.

Upon trust to permit and suffer the lands and hereditaments, and the erections and buildings for the time being thereon, and their appurtenances, to be used and occupied only for such purposes connected with the Presbyterian Church of Jamaica, or their Church or Educational or Training work, as the Synod of the said Church shall from time to time direct, appoint, sanction or approve, or, in default of and subject to any such directions or approval, for such purposes of a like nature as the local Presbytery within the jurisdiction of which the said lands are situate shall from time to time direct, appoint, approve or sanction ;

And also to permit and suffer all and every such churches or places of religious worship, theological or educational training institutions, schools, vestries, dwelling houses, offices, outrooms, and other buildings and conveniences, to be erected or built upon the said lands and hereditaments, or being built or erected to be enlarged, altered, improved, repaired, removed or pulled down, as and whenever the local Presbytery aforesaid shall from time to time or at any time direct, sanction or approve ;

And also to permit and suffer each and every church or place of religious worship for the time being upon such lands and hereditaments to be used, occupied and enjoyed, solely as a place for the religious worship and service of God, and the preaching of the Gospel, and expounding and teaching the Holy Scriptures, according to the doctrines and usages professed and observed by the body of Christians known as the Presbyterian Church of Jamaica, and to permit each theological institution for the time being on the said lands to be used, occupied and enjoyed, only as an institution for the training of persons for the Christian ministry of the said body of Christians, and in accordance with their doctrines and usages, and for such other religious and educational purposes, and by such superintendents, ministers and other persons, only as such local Presbytery shall, in accordance with the principles and practices of the said body of Christians, from time to time or at any time direct, sanction or approve ;

And also to permit and suffer to officiate in each church or place of worship on the said lands, and to have the conduct, direction and management, of the services, worship and teaching therein, such minister or ministers or other person or persons only as shall be thereunto for the time being duly appointed in accordance with the rules, regulations and practices, of the Presbyterian Church of Jamaica, or such person or persons as shall from time to time be thereunto requested by such minister so appointed as aforesaid ; .

And also to permit and suffer every educational training institution and every school on the said lands to be superintended only by such minister or ministers, or other person or persons, as shall from time to time be thereunto duly appointed according to such rules, regulations and practices as aforesaid, and to be conducted and carried on by such person or persons as shall be appointed or employed or recognized as masters or teachers therefor by the Superintending Minister thereof for the time being ;

And also to permit and suffer such dwelling house on the said lands and hereditaments as shall or may at any time be assigned as a residence for the minister in charge of or connected with any chapel or mission station of the said Church, and the sub-offices and appurtenances thereof, including so much land as shall be attached thereto as incident to such residence, to be used, occupied, possessed and enjoyed, by the minister for the time being in charge of, or appointed to or connected with, such church in accordance with such rules, regulations and practices as aforesaid, as a residence for himself and his family ;

And also to permit and suffer such parts of the said lands and hereditaments (if any) as may be set apart as a burial ground to be used as such by the ministers and members of the said Church ;

And also generally to permit the minister superintending or in charge of the station to which the said lands and hereditaments are attached to have the general local charge, direction and superintendence thereof, subject only to the directions and control of the local Presbytery within the jurisdiction of which the same are situate, and to any disposition inconsistent with such superintendence ;

Provided nevertheless that the minister or person already in charge of any church on the said lands, or any of them, as the minister thereof, and every person in charge of such lands, or any part thereof, or any institution, school or residence, for the Presbyterian Church of Jamaica, shall be deemed to be so in charge by the appointment and with the approval of the Synod aforesaid; but that whenever any Court of the church having jurisdiction over any minister or person in charge of any such lands shall, in the exercise of the powers committed to it, declare by any Resolution or other official act any now existing or future appointment of any such minister or person in respect of the said lands, or any part thereof, or of any church or theological or educational training institution or school thereon, at an end, such minister or person shall thereupon absolutely cease to be entitled to the privileges or benefits of the trusts aforesaid.

Provided also nevertheless that it shall be lawful for the said Body Corporate, in the manner, and under the circumstances, and to the extent, and subject to the limitations, and with the sanctions or approvals, provided or required by the Law incorporating them, but not otherwise, to convey and assure, sell or exchange, or lease or otherwise deal with, the said lands, hereditaments and premises, or any of them, or any part thereof.



JAMAICA—LAW 17 OF 1884.

• *The Railways Further Loan Law, 1884.*

[6th December, 1884.]

WHEREAS The Railway Loan Law, 1879, and The Rail- Preamble.
way Extension Loan Laws, 1880, did not fully provide
for the cost of the undertakings authorized by those Laws
respectively, and it is necessary to provide further funds for
completing the said undertakings, and it is expedient to raise
such money by the creation and issue of Debentures :—

Be it enacted by the Governor, with the advice and consent
of the Legislative Council of the Island of Jamaica, as fol-
lows :—

1—The Governor of Jamaica may from time to time, Power to raise
either in England or in Jamaica, raise by the issue of Deben- £183,000 for Rail-
tures under this Law any sum or sums not exceeding in the way purposes.
whole one hundred and eighty-three thousand pounds, at a
rate of interest not exceeding five per cent. per annum, to be
applied in carrying out the several objects to which the Loans
authorised by the above recited Laws were authorised to be
applied respectively.

2—The principal moneys and interest secured under this Loan charged on
Law are hereby charged upon and guaranteed by and shall be Island Revenues.
payable out of the General Revenues and Assets of the Go-
vernment of Jamaica.

3—Every Debenture issued under this Law shall be for a Debentures,
sum not less than one hundred pounds sterling, and shall amount of princi-
bear interest at a rate not exceeding five per cent. per annum, pal and interest.
payable half-yearly.

Debentures, how to be signed.

4—The Debentures when issued in England shall be issued in London on behalf of the Government of Jamaica by the Crown Agents for the Colonies (in this Law referred to as the Crown Agents), and shall be signed by them on that behalf, and when issued in Jamaica shall be signed by the Colonial Secretary and Director of Public Works, and countersigned by the Treasurer of the Island of Jamaica.

Registry of Debentures.

5—Every Debenture issued in England shall before being issued be registered in a Register Book to be kept for that purpose at the office in London of the Crown Agents, and every Debenture issued in Jamaica shall before being issued be registered in a Register Book to be kept for that purpose at the Public Treasury.

Coupons for interest.

6—There shall be attached to every Debenture Coupons for the payment of the interest to become due in each half year upon the principal secured by the Debenture.

The Coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the Debenture has to run, or for such limited period as the Governor, or the Crown Agents acting on behalf of the Government of Jamaica in England, may determine.

Forms of Debentures and Coupons.

7—The Debentures and the Coupons thereto may be in such form as the Governor, or Crown Agents acting on his behalf in England, may direct or approve.

Transfer thereof by delivery.

8—Every Debenture and Coupon, and the right to receive the principal and interest secured or represented thereby, shall be transferable by delivery.

Provisions for payment of interest and creating Sinking Funds for redemption of principal.

9—So long as any of the Debentures remain outstanding the Governor shall, in each half year ending with the day on which the interest on the Debentures falls due, appropriate out of the General Revenues and Assets of this Colony a sum equal to one half year's interest on the whole of the Debentures previously issued, including any which may have been redeemed, and remit such portion of that sum as shall be equal to one half year's interest on the whole of the Debentures previously issued in England, including any which may have

been redeemed, to the Crown Agents, at such time as will enable them to pay thereout the then current half year's interest on the then outstanding Debentures issued in England on the day when it falls due; and out of the remainder of that sum the Treasurer shall pay the then current half year's interest on the then outstanding Debentures issued in Jamaica on the day when it falls due, and the balance of that sum shall be invested by the Treasurer, under the direction of the Governor, towards the formation of a Fund applicable, in manner hereinafter provided, to the redemption of the Debentures issued in Jamaica.

After the expiration of five years from the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding, the Governor shall, in each half year ending as aforesaid, appropriate out of the Revenues and Assets of this Colony an additional sum, equal to ten shillings sterling per cent. on the total nominal amount of all the Debentures issued on or before the first day of that half year, including any which may have been redeemed, and remit such portion of that sum as shall be equal to ten shillings sterling per cent. on the total nominal amount of all the Debentures issued in England on or before the first day of that half year, including any which may have been redeemed, to the Crown Agents with the remittance hereinbefore mentioned; and the remainder of that sum shall be invested by the Treasurer, under the directions of the Governor, towards the formation of the Fund hereinbefore mentioned applicable to the redemption of the Debentures issued in Jamaica.

10—The Crown Agents shall, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, on deposit at interest in their names with some bank or banks in London or Westminster, and shall hold all such moneys and the accumulations thereon in trust to apply them, in the first place in payment of the interest for the current half year upon the Debentures for the time being issued in England and outstanding, and in the next

Remittances to
Crown Agents,
how to be ap-
plied.

place in the formation of a Fund applicable in manner hereinafter provided to the redemption of the Debentures issued in England.

Interest, when and where payable.

11—The interest upon the principal secured by each Debenture shall run from the day named in that behalf in the Debenture, and shall be paid half yearly on the days named in that behalf in the Debenture, if issued in England at the office in London of the Crown Agents, and if issued in Jamaica at the Treasury of the Island.

Application of Sinking Funds.

12—The Funds applicable under the Provisions of this Law in England and Jamaica respectively to the Redemption of Debentures shall be applied, in the first place in payment of all expenses of or incidental to the Redemption of Debentures, including the charges of the Notary Public attending at any drawing thereof, and the costs and expenses of all notices required by this Law to be given, and in the next place, subject to the aforesaid payments, in re-payment of the principal moneys for the time being secured by the Debentures.

Redemption of Debentures.

13—The Debentures if issued in England shall at the option of the Crown Agents subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, and if issued in Jamaica shall at the option of the Treasurer subject to the direction of the Governor, be redeemed either by purchase in the open market or by annual drawings, and, subject to the aforesaid payments, the sums to be applied annually in England and Jamaica respectively to such Redemption shall in each Country correspond as nearly as may be to, but not exceed, the amount applicable therein under the Provisions of this Law to the Redemption of Debentures.

Appointment of days for drawings of Debentures to be redeemed.

14—After the expiration of five years from the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding and unsatisfied, the Crown Agents as to the Debentures issued in England, and the Treasurer if so directed by the Governor as to the Debentures issued in Jamaica, shall in every year,

unless the whole of the money applicable in that year to the Redemption of Debentures has been applied in the purchase thereof, appoint respectively a day in that year for the drawing by lot of the Debentures to be redeemed.

15—If a day is appointed for drawing, the Crown Agents as to the Debentures issued in England shall give by advertisement in the London Times newspaper, and the Treasurer as to the Debentures issued in Jamaica shall give by advertisement in the Jamaica Gazette and in not less than two newspapers published in the Colony, not less than fifteen days' previous notice, specifying the days on which, and the hours and places at which, the drawing will take place, and the nominal amount of the Debentures to be redeemed at those drawings respectively.

Notice of times for drawings.

16—On the day and at the hour and place so specified the Crown Agents and Treasurer respectively shall hold meetings, at which the holder of any Debenture may if he think fit be present, and shall then in the presence of such Debenture holders (if any) as may attend, and of a Notary Public, draw by lot, out of the whole number of Debentures for the time being outstanding, Debentures of the specified nominal amount.

Drawings of Debentures to be redeemed.

17—The Crown Agents and Treasurer respectively shall thereupon declare the distinguishing numbers of the Debentures drawn for Redemption, and shall as soon as may be, in case of Debentures issued in England by advertisement in the London Times newspaper, and in case of the Debentures issued in Jamaica by advertisement in the Jamaica Gazette and in not less than two newspapers published in the Colony, specify those numbers, and appoint a day (not being later as to each Debenture than the day on which the then current half year's interest thereon is payable) on which the principal moneys secured by the Debentures so distinguished will be re-paid.

Appointment of times for payment of Debentures drawn for Redemption, and notice thereof.

18—On the day so appointed the Crown Agents in respect of Debentures issued in England at their office in London, and the Treasurer in respect of Debentures issued in Jamaica, shall

Payment of such Debentures.

on demand pay to the holders of the Debentures drawn for re-payment the principal moneys secured by those Debentures, with all interest payable thereon up to that day.

Cesser of interest thereon.

19—From and after the day appointed for the re-payment of any Debenture all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal have or have not been demanded.

Cancellation of redeemed Debentures.

20—Upon the re-payment of the principal moneys secured by the Debenture, the Debenture with all the Coupons thereunto belonging, if issued in England shall be delivered up to the Crown Agents, and if issued in Jamaica to the Treasurer, to be by them respectively cancelled and forwarded to the Government of Jamaica.

Any Debenture redeemed by purchase shall likewise be so cancelled and forwarded.

Cancelled Debenture not renewable.

21—No money applied in Redemption of a Debenture shall be re-borrowed, and no Debenture shall be issued in respect of or in substitution for any cancelled Debenture.



JAMAICA—LAW 18 OF 1884.

*Incorporated with
Law 18 of 1882*

The Prison Law, 1882, Amendment Law, 1884.

[22nd December, 1884.]

WHEREAS it is expedient to amend The Prison Law, Preamble.
1882:—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—The word “Superintendent” shall mean the Jailer, **Definitions.**
Keeper or other Chief Officer of a Prison, or his lawful Deputy;

The words “Juvenile Prisoner” shall mean a Prisoner under the age of sixteen years;

The words “Criminal Prisoner” shall mean any Prisoner undergoing any sentence of penal servitude, or imprisonment with hard labour.

2—In lieu of Section four of the said Law the following shall be read as Section four:—

“It shall be lawful for the Governor from time to time, with the advice of the Privy Council, to make Rules and Regulations, not inconsistent with the Provisions of this Law, .

“for the government of the several Prisons,

“for the guidance and direction of the Officers of the same,

“for the employment, safe custody, management, discipline,
“classification and treatment, of the Prisoners confined
“therein,

“for the individual separation of all or any of the Pri-

Law 18 of 1882,—
Section substituted for Section 4, as to rules and regulations, and the power to make or alter same.

“soners confined in any Prison (due regard being had to
 “the proper supervision, religious and other instruction,
 “and employment, of such Prisoners, and to the internal
 “economy of the Prison),

“as to the religious instruction to be provided, and the re-
 “ligious worship to be observed, in the several Prisons, and

“for regulating the conveyance of Prisoners to and from
 “Prisons,

“and from time to time to alter and amend any such Rules ;

“and all Rules and Regulations or amendments so made shall
 “be published in the Government Gazette, and shall come
 “into operation on such publication.

“All Rules and Regulations in force concerning Prisons at
 “the time of the passing of this Law, and not inconsistent with
 “the Provisions of this Law, shall continue in force until al-
 “tered or repealed, as if made under the Provisions of this
 “Law.”

Section 5 amended. 3—Section 5 of the said Law shall be and the same is hereby
 amended by omitting the words following, that is to say, “such
 “Officer as aforesaid shall further be liable in addition to such
 “fine or imprisonment to be dismissed from his said office.”

Director of Prisons continued. 4—The present Director of Prisons shall be the Director of
 Prisons under this Law, without further or other appointment.

Additional powers conferred on him. 5—The Director of Prisons shall, in addition to the powers
 conferred upon him by the said Law, have all the powers exer-
 cisable under this Law by two Visiting Justices.

Section 13 amended. 6—In amendment of Section 13 of the said Law the words
 “by any competent Authority” in line one shall be omitted.

The words in lines two and three of Paragraph 2 of the said
 Section, “less than one year shall subject to the Proviso in the
 “next Paragraph contained” shall be omitted, and the words
 “exceeding two but less than twelve months” shall be inserted
 in lieu thereof.

The word “Calendar” in line two of Paragraph 3 shall be
 omitted.

The word "Prison" shall be inserted in lieu of the word "Jail" in line three of Paragraph 4, and in line five of Paragraph 5.

7—One section of the General Penitentiary shall be appropriated with the approbation of the Governor, and shall be deemed to be a Prison within the meaning of any Act now or hereafter to be in force, for the discipline of Her Majesty's Military or Naval Forces; and any Soldier, Sailor or Marine, convicted by a Court Martial, may be sent to such Penitentiary and confined in such section, there to undergo such punishment as may be awarded by his sentence, and during the time specified in such sentence, or until he be discharged before the expiration of that time by an order duly made by competent Authority for that purpose.

Special section of Penitentiary for offenders amongst Her Majesty's Military or Naval Forces.

8—In amendment of Section 17 of the said Law, it is hereby provided that in every Prison other than a Lock-Up provision shall be made for the separation of Juvenile from Adult Prisoners.

Section 17 amended.

9—Juvenile Prisoners shall be detained in the portion of the Prison set apart for Juvenile Prisoners.

Separation of juvenile Prisoners.

10—In amendment of Section 18 of the said Law, the selection of Prisoners to be employed in the necessary services of the Prison shall be made by the Director or Visiting Justices, and not by the Jailer.

Section 18 amended.

11—In amendment of Section 20 of the said Law, it is hereby provided that persons sentenced to penal servitude shall not be employed on the public or parochial roads.

Section 20 amended.

The words "either in irons or" in lines five and six of the said Section shall be omitted.

12—Prisoners employed on public or parochial roads, or upon public or parochial works, shall be under the orders of an Officer of the Prison to be detailed for that purpose; and any person, other than an Officer of the Prison to which any such Prisoner belongs, holding any communication with any such Prisoner shall, on summary conviction thereof before any two Justices, forfeit and pay any sum not exceeding Five Pounds.

Employment of Prisoners on Public or Parochial Roads or Works.

13—In all cases in which the Governor shall direct or sanc-

Duty of Superin-

tendent as to convicts employed on any Road or Public Work.

tion the employment of any convicts upon any road or thoroughfare, or upon any undertaking of a public or parochial nature, it shall be the duty of the Superintendent of the Prison (the Superintendent of the Penitentiary always excepted) from which such convicts were sent to visit the road or place where such convicts are at work, once in each day at least, if such road or place be not distant more than three miles from the Prison, and to direct, inspect and superintend, the performance of such work, and to see that the inferior Officers, or persons in charge of the convicts so being employed, are correctly performing their duties, and are not permitting any intercourse to take place between such convicts and any other person or persons whomsoever, or allowing the convicts aforesaid to receive any articles of food, drink or otherwise, except such as are furnished by the Officers of the Prison appointed to furnish the same; and any Superintendent who shall neglect or refuse to perform the duty hereby required to be performed by him shall, upon the complaint of the Inspector of Prisons, or any Visiting Justice of the Prison from which the convicts were sent, or any Justice of the Peace for the Parish in which such Prison is situate, to the Governor, be liable to be dismissed from his situation as such Superintendent of such Prison.

Section substituted for Section 22.

14—In lieu of Section 22 of the said Law the following shall be read as Section 22 :—

“ Payment shall be made, at such rate as the Governor shall
“ from time to time appoint, for the labour of every person
“ employed as in the last preceding Section is mentioned, to
“ the Superintendent in whose charge he is for the time being,
“ by the Board or Department having the control of the works
“ or roads upon which he is employed.”

Section substituted for Section 25.

15—In lieu of Section 25 of the said Law, it is hereby provided that in cases where Prisoners are employed on public or parochial roads or works at such a distance from any Prison that they cannot conveniently be brought back to such Prison at night, it shall be lawful for the Governor to appoint a suitable building for their confinement during such employment, and to declare the same a Prison.

16—Section 26 of the said Law is hereby amended, by omitting therefrom the following words, beginning in line three, “for not less than one year and against whom no previous conviction for any felony or indictable misdemeanour has been recorded.” Section 26 amended.

17—In amendment of Section 45, it is hereby provided that it shall be lawful for the Superintendent to punish the offences enumerated in the said Section, by ordering any offender to confinement in a punishment cell, to be kept there upon bread and water for any time not exceeding twenty-four hours, and no longer. Section 45 amended.

18—In amendment of Section 46, the words in lines four and five “or of an unnatural crime or of an attempt at an unnatural crime” shall be omitted; and it is further provided that the punishment by confinement in a punishment cell shall not exceed fourteen days, and corporal punishment shall not be superadded to, but may be substituted for, such punishment by confinement. Section 46 amended.

19—In amendment of Section 47 of the said Law, the word “preserved” shall be substituted for the word “presented” in the last line but one. Section 47 amended.

20—In amendment of Section 55, the words “other than an Officer of a Prison” in line one shall be omitted. Section 55 amended.

21—In amendment of Section 56, the words “convicted and” in line one shall be omitted. Section 56 amended.

22—In amendment of Section 68, the words “and the duties by this Law imposed on the Superintendent of the Prison may be performed by the Superintendent or other Chief Officer of the Prison,” in lines five to seven, shall be omitted. Section 68 amended.

23—The Salesman appointed under Section 76 of the said Law shall be required to give security, to the satisfaction of the Governor, for the due performance of his duties under the said Law, and for the due payment by him of all sums of money received by him under the said Law as amended by this Law. Security by Salesman.

Weekly payments
by Salesman.

24—The Salesman shall at the end of every week pay into the hands of the Treasurer every sum of money which he may have received during the week for bricks, lime and other articles, sold from the Prison, whether or not the sum so received shall amount to Thirty Pounds.

Power to direct persons to be treated as misdemeanants of the first class.

25—It shall be lawful for any Court of Record, in passing sentence of imprisonment on any person convicted of any misdemeanour, in and by such sentence to order such person to be treated while undergoing such sentence of imprisonment as a misdemeanant of the first class; and any person so sentenced shall, while undergoing his said sentence, be treated in accordance with the Rules made under the said Law for the treatment of misdemeanants of the first class.

Several Sections repealed.

26—Sections 4, 22, 25, 30, 31, 32, 33, 87 of the said Law shall be and the same are hereby repealed.



JAMAICA—LAW 19 OF 1884.

Voluntary Declarations Law, 1884.

[22nd December, 1884.]

WHEREAS it is expedient to extend the Provisions of the Act 6 Victoria, Chapter 24, so as to allow of Delarations to be made under the said Act touching the recitals in certain deeds, and to make such Declarations evidence of certain matters in certain cases:—

Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—The Provisions of the Act 6 Victoria, Chapter 24, are hereby extended so that from and after the passing of this Law it shall and may be lawful for any Justice of the Peace, Notary Public, or other Officer by Law authorized to administer an oath, to take and receive the Declaration of any person voluntarily making the same before him, by virtue of the said Law, in proof of the recitals contained in any deed or other instrument relating to real property so far as the same relate to the birth, death or marriage, of the person making such deed or other instrument, or of any member of the same family, or to the pedigree or possession of the person making such deed or other instrument, or any person or persons through whom he claims.

Power to make declarations as to certain recitals in deeds, &c.

2—Every Declaration so made, if recorded within six months of the making of the same in the Island Record Office, shall in all actions and suits, (in the event of the person making the same being dead or presumably dead,) be received in evidence in proof of the recitals aforesaid, as if the person or

Under what circumstances declarations receivable in evidence.

persons making the same had appeared and sworn or affirmed the matters contained in such Declaration *vivâ voce* in open Court:—Provided that in every such Declaration there shall be expressed the age, or supposed age, and addition of the person making such Declaration, and the particular place of his or her abode.

Incorporated with
6 Vic. Cap. 24.

3—The said Act 6 Victoria, Chapter 24, and this Law shall be read and taken together as one Law.



JAMAICA—LAW 20 OF 1884.

*Secs: 3 to 44 inclusive
Repealed by Law 9 of
1886.*

The Registration of Voters Law, 1884.

WHEREAS it is expedient to make provision for the Re-
gistration of persons entitled to vote at the Election of
Members to serve in the Legislative Council of this Island :—

Preamble.

Be it enacted by the Governor, with the advice and consent of
the Legislative Council of the Island of Jamaica, as follows :—

1—The following words and expressions shall in this Law
have the meanings hereby assigned to them respectively :—

*Interpretation
clause.*

The expression “ The Order in Council ” shall mean the
Order of Her Majesty the Queen in Council, dated the
19th day of May, 1884, for creating and constituting a
Legislative Council for this Island ;

The word “ District ” shall mean an Electoral District
as constituted and appointed by the Order in Council ;

The words “ Registrar ” and “ Register ” shall mean,
respectively, the Registrar of Voters for any District for
the time being appointed by the Governor under this Law,
and the Register of such Voters in force for the time
being in any Parish ;

The expression “ The Inspector of Constabulary ” shall
include a Sub-Inspector or other Principal Officer of Con-
stabulary in any Parish ;

The expression “ Collector of Taxes ” shall include the
Collector or other Principal Officer having the collection
of taxes.

**Qualifications for
registration as
Voters.**

2—The following Provisions shall take effect in lieu of Clause 14 of the Order in Council, that is say :—

Every male person shall be entitled to be registered in any year as a Voter, and when registered to vote at the Election of a Member of the Legislative Council for any District, who is qualified as follows, that is to say,—

- (1.) Has attained the age of twenty-one years,
- (2.) Is under no legal incapacity,
- (3.) Is a British subject by birth or naturalization,
- (4.) Either

(a.) is on the 31st day of May in such year, and ~~has~~ since the first day of August then preceding, ~~been~~ an occupier as owner or tenant of a dwelling house within such District, and has during the time of such occupation been rated in respect of such premises, so occupied by him, to all poor rates made in respect of such premises, and has during ~~the~~ said period paid in respect of the same premises alone, or in respect of the same premises together with other taxable property owned by him, public or parochial taxes or rates, or taxes and rates, to the amount of not less than one pound,

or (b.) is on the 31st day of May in such year possessed of property in respect of which he has, since the preceding first day of August, paid within such District public or parochial taxes or rates, or taxes and rates, to the amount of not less than one pound and ten shillings :

Provided—

Disqualifications.

- (1.) That no person shall be registered as a Voter, or be entitled to vote for the Election of a Member of the Council, who has been sentenced by any Court in Her Majesty's Dominions to death, or penal servitude, or imprisonment with hard labour, or for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced, or such other

punishment as by competent authority may have been substituted for the same, or received a free pardon from Her Majesty ;

(2.) That no person shall be registered as a Voter in any year who has, since the preceding first day of August, received any relief from public or parochial funds ;

(3.) That after the year 1884 no person not then already registered as a Voter shall be so registered unless he shall, in the presence of one of the persons hereinafter named, with his own hand subscribe his name to his claim to be registered, and write thereon the date of such subscription.

3—The Governor shall in each District appoint a fit and proper person to be the Registrar of Voters for such District.

Appointment of Registrars.

4—Every person whose name has been settled on the Register of Voters at any Registration of Voters for any District shall, subject to the Provisions of this Law, be entitled, provided that he continue to be qualified as a Voter for the District, to have his name again inserted on the Register at the next Registration without any Claim on his part.

Renewal of Claim unnecessary if qualification continues.

Any person may, and any person whose name was not so inserted at the next preceding Registration in any year shall, if he desires to have his name inserted at the next Registration, either at the time of his paying his taxes, or at any time on or before the 31st day of May next thereafter, send or deliver to the Collector of Taxes for the Parish in which he has paid the taxes necessary to qualify him as a Voter a notice of Claim, claiming to have his name registered as a Voter for the Electoral District to which such Parish belongs. Such notice shall be in the Form given in Schedule A., and all the particulars indicated by the said Form shall be given in such notice.

Notice of Claim.

Form.
Schedule A.

5—A Form of Claim shall be given or sent by post to any person applying for the same, either personally or by letter, at any time, at the office of the Collector of Taxes for any Parish, or at the office of the Registrar.

Forms of Claim to be supplied to applicants.

How Notice of
Claim to be filled
in signed and at-
tested.

Proviso as to
Electors registered
in 1884.

6—Every person claiming to be registered under this Law as aforesaid shall, subject to the Proviso hereinafter contained, with his own hand subscribe his name to such Claim, and write thereon the date of such subscription, in the presence either of the Collector of Taxes to whom he delivers the same, or of a Justice of the Peace, and such Collector or Justice shall thereupon sign his own name to such notice, in token that the same has been subscribed and dated as aforesaid: Provided always that any person whose name is not already on the Register for any District, who is unable to write, and who desires nevertheless to claim to be registered as a Voter for such District by reason of his having been registered as an Elector in some District in the year 1884, shall cause a notice of Claim to be properly filled in, with all necessary particulars respecting himself and his Claim, and shall, if he is claiming to be registered in the same District as that in which he was registered in the year 1884, state that fact in his said notice, and also furnish his number on the Register for that year; and if he is claiming to be registered in a different District, he shall procure, from the Registrar of the District in which he was registered in the said year, a Certificate to the effect that he was so registered, and transmit such Certificate together with his notice of Claim. Such Registrar shall on demand give such Certificate to any person entitled to the same.

Such person shall affix his mark to such notice of Claim before the Collector of Taxes or a Justice of the Peace, who shall countersign the same.

Collector to ex-
amine each Claim
and endorse his
opinion thereon.

7—The Collector for any Parish, whenever any such Claim as aforesaid is made to him, shall as soon as he conveniently can, and at the latest on or before the thirty-first day of May in each year, examine into such Claim, and if satisfied that the Claimant is qualified to be registered he shall endorse on the Claim the word "correct," and sign his name or initials thereto; if it shall appear to him that the Claimant is not qualified to be registered he shall endorse on the Claim the word "rejected," and sign his name or initials thereto.

Correction of errors

8—Where it appears to any Collector of Taxes that any per-

son claiming to be registered under this Law is entitled to be registered, but that the qualification alleged in the Claim is incorrectly stated, the Collector shall, in addition to the endorsement required to be made by the next preceding Section, endorse on such Claim what he considers to be the correct qualification.

in Claim as to qualification.

9—In cases where an Electoral District comprises more than one Parish, it shall be lawful for any person who may possess the requisite qualification in each Parish to make out a Claim to be registered in respect of each such qualification, and he shall send such claim to the Collector of Taxes for either of such Parishes.

As to persons qualified in each of two Parishes in same District.

The Collector to whom he sends it shall, after having dealt with the same in manner provided by Section seven so far as his own Parish is concerned, transmit the same to the Collector of Taxes for the other Parish who, after that he has dealt with the same as aforesaid in respect of his own Parish, shall send the same to the Registrar of Voters for the District.

10—In cases where an Electoral District comprises more than one Parish, it shall be lawful for any person whose qualification to be registered as a Voter for such District is made up partly of payments in the one Parish and partly of payments in the other to make out a notice of Claim shewing, under the heading "Nature of Qualification," that his qualification is so made up.

As to persons whose qualification is made up by payments in two Parishes within the same District.

He shall send it to the Collector of Taxes for either of the said Parishes, and such Collector shall endorse upon the same the amount of the rates, if any, paid upon any house occupied by the Claimant within the Parish, and the amount of any other taxes paid within the Parish that would go to make up the qualification of the Claimant, and sign his name or initials thereto, and shall then send the same to the Collector of Taxes for the other Parish, who, if he shall find that the amount of rates and taxes, or rates or taxes, paid in such last-named Parish, added to those paid in the first-named Parish, are sufficient to make up the Claimant's qualification as a Voter for the District, shall endorse a Certificate to that effect, and sign his name or initials thereto, and transmit the same to the Registrar of Voters for the District.

Receipt for Notice
of Claim.

11—The Collector of Taxes shall, on demand, give to any person sending or delivering a notice of Claim a receipt for the same.

Lists under this
Law.

12—In every List to be published under the Provisions of this Law the names of all persons included therein shall be given in alphabetical order of the surnames, and all the particulars indicated by the Form given in Schedule B. to this Law shall be given.

Form.
Schedule B.

Householder to be
registered as such.

13—In describing the qualification of any person in any List made out in the Form given in Schedule B. to this Law, where any person is a householder he shall be described as such, although he may be qualified to be registered irrespectively of his being a householder.

Transmission of
Claims to Registrar.

14—The Collector of Taxes, if he is not himself the Registrar for the District, shall from time to time, after dealing with the notices of Claim in manner above indicated, transmit the same to the Registrar of Voters for the District, so that all such notices received between the first day of August in any one year and the thirty-first day of May in the succeeding year shall reach the Registrar aforesaid on or before the first day of June in the latter year.

Particulars to be
ascertained on pay-
ment of Taxes.

15—Every Collector and Assistant Collector of Taxes shall use his best endeavours, on receipt of any taxes from any person, to ascertain from such person all the particulars respecting himself necessary to be furnished to the Registrar; and every such person shall on demand furnish the Collector or Assistant Collector with the particulars aforesaid.

Collectors to make
out two Lists.

16—The Collector of Taxes for every Parish shall from time to time, on or before the thirty-first day of May in every year, make out two sets of Lists, to be termed respectively the "Approved List" and the "Unapproved List."

If the Collector is not himself the Registrar, he shall from time to time transmit such Lists, as they are made up and completed by him, to the Registrar on or before the first day of June in each year.

The Approved List shall comprise the names of all persons whose names were settled on the Register of Voters for the District at the next preceding Registration and who, subject to the Provisions of this Law, appear to the Collector to continue to be qualified to have their names again inserted at the next Registration, and the names of those who have duly claimed to be registered and whose claims have been endorsed "correct" as aforesaid.

The Approved List.

The Unapproved List shall comprise the names of all persons who have duly claimed to be registered but whose Claims have been endorsed "rejected" as aforesaid,
of those who have on demand refused to furnish the Collector with the particulars respecting themselves necessary to be furnished to the Registrar, and
of those persons whom, although their names were entered on the Register at the preceding Registration, the Collector may know to be disqualified by age, sex or nationality.

The Unapproved List.

And the Collector shall transmit, together with such Lists, the original notices of Claim addressed to him by all persons included in either of the said Lists who have sent in notices of Claims, and he shall take care that such Lists include the names of all persons who were registered at the preceding Registration of Voters, and who have since the first day of August qualified themselves to be again registered so far as payment of taxes is concerned, or who have duly claimed as aforesaid, and that all of such Lists reach the Registrar on or before the first day of June in each year.

Transmission of Lists and Claims to Registrar.

17—The Registrar shall carefully preserve in his office the Lists aforesaid, and all notices of Claim made up or received as aforesaid, and shall from time to time as he makes up the same, or, if he is not himself the Collector of Taxes, as he receives the same from the Collector of Taxes as aforesaid, transmit to the Inspector of Constabulary for the Parish to which such Collector belongs, and also to the Clerk to the Municipal Board of such Parish, a copy of the said Lists.

Transmission of Copies of Lists to Inspector of Constabulary and Clerk of Municipal Board.

Each such copy List sent by the Registrar to the Inspector and Clerk as aforesaid shall be numbered.

Duty thereon of the Inspector of Constabulary.

18—The Inspector or other Principal Officer of Constabulary shall cause full enquiry to be made, by the Constables under his command, with respect to every person whose name is comprised in any of the foregoing copy Lists, under the following heads :—

- (a.) Whether more than one person is thereby designated ;
- (b.) Whether all such persons are still living ;
- (c.) Whether any person whose name is in the said List is either a female, or apparently under the age of 21 years, or is incapacitated by lunacy or unsoundness of mind ;
- (d.) Whether any such person is not a British subject by birth or naturalization ;
- (e.) Whether any such person is disqualified under the said Order in Council, by reason of his having been sentenced by any Court as stated in the said Order and not having served his sentence, or any sentence substituted for the same, or received a free pardon from Her Majesty.

And he shall make an Alphabetical List of all persons in the Lists furnished to him whose names appear to have been inserted more than once, or who are subject to any of the said disqualifications, stating in the margin to which disqualification any such person is subject.

Duty thereon of the Clerk of the Municipal Board.

19—Similarly every Clerk to a Municipal Board shall make a List of all persons in the copy Lists furnished to him as aforesaid who appear to be disqualified by reason of the receipt of parochial relief as in the said Order mentioned.

Reports of Constabulary and Clerk.

20—Such Lists shall be made out and transmitted to the Registrar for the District by every Inspector or Sub-Inspector or Clerk as aforesaid on or before the 12th day of June.

21—On or before the 15th day of June in each year the Registrar for the District shall make out two Lists in alphabetical order of the surnames;—the one List, which shall be headed and called “List A,” comprising the names of all persons whose names have been included in the “Approved Lists” furnished by the Collectors as aforesaid, and who have not been objected to by the Inspector of Constabulary or the Clerk to the Municipal Board as aforesaid, and the second, which shall be headed and termed “List B,” containing the names of all persons whose names have been included in any “Unapproved List” furnished by the Collector as aforesaid, and also of such persons included in any “Approved List” furnished by the Collector as aforesaid whose names have been objected to by the Inspector or Clerk as aforesaid.

Registrar thereon to make out two other Lists.

List A.

List B.

22—The several Judges of District Courts shall be the Officers charged with the Settlement of the Registers of Voters in the several Districts, and the Governor shall from time to time determine, giving notice of any such determination in the Jamaica Gazette, to which District Court Judge, in cases where a District comprises more than one Parish, each Electoral District shall be assigned.

Judges of District Courts to settle the Registers of Voters.

23—On or before the 10th day of June each District Court Judge shall appoint days for the holding of Courts, for the Settlement of the Register of Voters, at each place within each Parish within his District appointed under Law 22 of 1874 for the holding of a District Court every month, or at such other place as the Governor or Judge may for this purpose appoint, and shall, on or before the said day, give notice of the days so appointed for each Parish to the Registrar of each Electoral District within his District.

Notice of days for holding Courts for Settlement of Register.

24—The first day appointed shall not be earlier than the 24th day of July, and the last shall not be later than the 10th day of August.

Limit of days to be appointed for such Courts.

25—The Registrar for each District shall, on or before the 25th day of June, publish copies of the Lists last above-mentioned, by affixing one of each to the outer door of every Court House and Police Station, and, with the consent of the Incum-

Publication of Lists A and B.

bent, to the outer door of every Church and Chapel throughout the District.

The said copies shall be kept so affixed until after the last of the days appointed as aforesaid for the Settlement of the Register; and should any such copy by any chance be removed, another copy shall be affixed as aforesaid as soon as possible.

Notice to be published with Lists A. and B.

26—To each such copy shall be appended a notice to the tenor and effect following:—

“ Courts will be held

“ at on the day of

“ at on the day of

“ at on the day of

“ for the Settlement of the List of persons entitled to be registered as Voters for the Electoral District of

“ tered as Voters for the Electoral District of

“ Every person whose name is on List A. will be settled on

“ the Register of Voters for the District of without

“ any application or stir on his part provided he is not objected to.

“ jected to.

“ If he is objected to due notice of such Objection will be

“ given to him, and of the time and place when and where he

“ will have to attend if he wishes to be heard in support of his

“ right to have his name settled on the Register aforesaid.

“ Every person qualified to be registered as a Voter for the

“ said District may object to any person whose name is on List

“ A. having his name settled on the said Register of Voters, by

“ forwarding to A.B., Registrar of Voters for the said District,

“ at , so that the same may reach him on or before

“ the 14th day of July next, a notice of his intention

“ to do so, in a Form which may be procured at any Police Station

“ within the District.

“ Any person whose name is on List B. or whose name is not

“ on either of the above Lists, but who claims nevertheless that

“ it ought to be settled on the Register of Voters for the said

“ Parish, must send in his Claim, on a Form to be procured at

“ any Police Station within the District or from the Registrar of

“Voters, to the said A.B., Registrar of Voters for the said Dis-
 “trict of , so that the same may reach him on or
 “before the 20th day of July.”

27—The notice of Objection above referred to shall be to the Notice of Objection.
Form.
 tenor and effect following :—

“To A.B., Registrar of Voters for the Electoral District
 “of

“Take Notice—That I, the undersigned, intend to ob-
 “ject, at the Court to be holden at on the
 “ day of , to the name of
 “being settled on the Register of Voters for the said Dis-
 “trict on the ground that” (*Here state the ground of objec-*
tion).

(Signed) A. B. of

28—The notice of Claim above referred to shall be to the Notice of Claim.
Form.
 tenor and effect following :—

“To A.B., Registrar of Voters for the Electoral District
 “of

“Take Notice—That I, C.D., intend to Claim, at the
 “Court to be holden at on the
 “day of , to have my name settled on the
 “Register of Voters for the said District, and that my
 “name, address, description, and the qualification in re-
 “spect of which I claim are as follows :—

Surname.	Christian Name.	Place of Residence.	Postal Address.
Calling or Occupation.		Nature of Qualification.	

“And I hereby declare that my name was inserted on the Register of Voters for the said District at the last Settlement of the Register [or I duly sent in a notice of Claim to the Collector of Taxes for the Parish of on or before the 31st day of May last].

(Signed) C. D.

Investigation of such Claims.

29—The Registrar shall examine into any Claim as aforesaid, and shall give notice thereof to every Collector or Sub-Collector of Taxes within the District, and each Inspector or other Officer of Police as aforesaid within the District, and to the Clerk of each Municipal Board within the District; and such Officers shall proceed to investigate the same, and be prepared, if necessary, to contest the same at the Court at which the Claim is to be made.

Service of Notice of Objection.

30—The Registrar, on receipt of any notice of Objection, shall cause notice thereof to be served on the person objected to, five days at least before the holding of the Court at which the same is to be dealt with.

List of Objections.

The Registrar shall on or before the 15th day of July make a List, to be headed “List of persons who have been objected to as Voters for the District of _____,” and before the first sitting of the first Court appointed for the revision and Settlement of the Register the Registrar shall make out a second List, to be headed “List of persons whose names did not appear on either List A. or List B. previously published, of persons who have since the publication of the said Lists claimed to have their names inserted on the said Register.” Against each name in either such List shall be stated the Court at which the Objection to or Claim of such person is to be tried.

List of Claims.

Publication of List of Objections.

The Registrar shall, on or before the 15th day of July aforesaid, publish the first-mentioned List in manner required in the case of Lists A. and B.

Where Objections and Claims to be dealt with.

31—Every notice of Objection shall be dealt with at the Court named therein, and every Claim at the Court named in the notice of such Claim.

32—Service of any notices required by this Law to be served on any party shall be effected in the same way as service of process issuing out of any Court of Petty Session, and may be proved in like manner. Service of Notices.

For the purposes of such service the place of residence of any person named in any notice of Claim, or in any List published under this Law, shall be taken to be the last or most usual place of abode of such person ; and if such place of residence be found vacant, service may be effected by affixing the notice to be served to the outer door of such place.

33—The several District Court Judges shall, on the days appointed by them, proceed to hold the Courts for the Settlement of the Register of Voters at the several places appointed for that purpose as aforesaid. The holding of Courts for Settlement of Registers.

34—The Registrar of Voters shall, at the first Court holden for the Revision and Settlement of the Register, present to the Judge a List of all persons whose names were on List A. aforesaid, and who have not been objected to. Procedure at the Court, 1st as to persons on List A. not objected to.

At any Court held as aforesaid it shall be lawful for any person to bring to the notice of the Judge any error existing in such List, and thereupon the said Judge, if satisfied that the same is an error, may correct it ; but he shall under no circumstances strike off the name of any such person, unless it shall appear to him that the name was duly objected to, and has by mistake crept into such List notwithstanding such Objection, or unless it is shewn that any name was not on List A. as aforesaid. But unless any such matter is brought to the notice of the Judge, he shall not consider or examine into the correctness of the said List.

The Registrar shall next at each Court present a List of persons whose names were on List A. aforesaid who have been duly objected to, and in the notices of Objection to whom such Court has been named. 2nd as to persons objected to.

On the appearance of the person giving any notice of Objection, or of some person on his behalf, the Judge shall, on the appearance of the person objected to, or of some person on his

behalf, or in the event of his non-appearance on due proof of the service of the notice of Objection, proceed to adjudicate upon the Objection.

The burden of proof shall lie on the party objecting, and if the latter fail to appear, being thrice called, or if he fail to sustain the Objection, the Judge shall settle the name of the person objected to on the Register.

3rd as to persons
who claim to be
qualified.

The Registrar shall next present at each Court a List of all persons who have sent in notices of Claim since the publication of Lists A. and B. aforesaid, and who have named such Court in such notice.

Such persons shall be called upon, in the order in which they stand in such List, to come forward and substantiate their Claims.

Any such person being thrice called and not appearing shall have his Claim disallowed.

Any such person appearing shall be called upon to prove his right to be registered, beginning, in case that his name was not included in List B. aforesaid, with proof either that he was duly registered for the said District at the preceding Registration, or that he duly claimed as aforesaid on or before the 31st day of May, the burden of proof of this and of his qualification being thrown upon him.

It shall be lawful for any Elector of the District to oppose the Claim of such person.

If such person shall prove his Claim to the satisfaction of the Judge, the latter shall insert his name on the Register of Voters.

Power to award
Costs if objection
frivolous and vex-
atious.

35—It shall be lawful for any District Court Judge, in case any notice of Objection under this Law shall be deemed by him to have been frivolous and vexatious, to award costs to the party objected to, provided that such Judge shall then and there fix the amount of the costs so awarded. Payment of any costs so awarded shall be enforced as a judgment debt in the District Court.

36—Every District Court Judge acting in the execution of this Law shall have the same powers, jurisdiction and authority, as if he were trying civil actions in the District Court; and witnesses shall be subpœnaed and sworn in the same manner, as nearly as circumstances will admit, as in a trial of such civil action, and shall be subject to the same penalties for perjury.

Jurisdiction of District Court Judges. Witnesses.

37—It shall be lawful for any District Court Judge, in striking off or in inserting on the Register the name of any person objected to, or in allowing or disallowing any Claim to be inserted, if requested to do so by either the person whose name is struck off, or the person giving the notice of Objection, or the person whose Claim is disallowed, or the Registrar, or any person opposing the Claim of such person as aforesaid, to state and sign a Case for the opinion of the Supreme Court, to raise the question as to the correctness of such Judge's decision. Any such case shall be transmitted by such Judge to the Registrar of the Supreme Court on or before the 15th day of August.

Power to state a Case for the opinion of the Supreme Court.

38—It shall be lawful for the Registrar of Voters for each District, in the absence of the Registrar of the District Court, at any Court holden for the purpose of Revising and Settling the Register for such District, to perform at any such Court all the functions which would otherwise have to be performed by the Registrar of the Court.

Functions of Registrar at such Courts.

39—The Supreme Court shall as soon as possible deal with and decide upon the Cases transmitted to it as aforesaid. As each Case is called on in Court, it shall be lawful for the person whose right to have his name inserted on the Register is brought in question, and for the person who opposed such right before the District Court Judge, or for the Registrar, to appear and argue such case.

Proceedings as to the hearing of and decision upon special Cases.

It shall be lawful for the Court to award costs against any party other than the Registrar appearing as aforesaid.

If nobody appears on either side, the Court shall nevertheless give its decision on the Case.

The decision of the Court shall be given on each Case as soon as possible, and the Registrar of the Court shall annex to

each Case a Certificate, under the Seal of the Court, of the effect of the decision of the Court, and transmit the same to the Registrar of Voters for the District, and the said Registrar shall forthwith bring the same to the notice of the Judge charged with the Settlement of the Register for the District.

**Final Settlement of
Register of Voters.**

40—The District Court Judge having revised the List as aforesaid shall, on or before the 13th day of August in each year, finally settle the Register of Voters for the District, and cause the same to be made out with the surnames (in alphabetical order), and the Christian or other name or names, the place of residence, postal address, calling or occupation, and nature of qualification, of each person settled thereon, as in the Form given in Schedule B. to this Law, and shall number the said persons in regular arithmetical progression.

In the case of Districts comprising more than one Parish there shall, in addition to the foregoing particulars, be stated, against the name of each person possessed of a qualification in any one or more of such Parishes, the name or the initial letter of the Parish or Parishes from which the qualification arises. Under this head, nothing shall be stated as regards those persons whose qualification is made up partly by payment of taxes in the one Parish and partly by payment in the other.

**Transmission of
Register to the Re-
turning Officer.**

The Registrar shall sign the Register made up as aforesaid, and shall forthwith deliver the same to the person appointed by the Governor to be the Returning Officer for the District; and the said Register shall thereupon, subject to any alteration that may be made therein under the Provisions of the next Section, be the Register of persons entitled to vote at the Election of Members of the Legislative Council for the said District, and shall come into force on the said 13th day of August, and shall remain in force until the same shall be duly superseded by another Register duly made according to Law.

**Procedure on Cer-
tificate of the de-
cision of the Su-
preme Court in any
Case stated.**

41—The Registrar for the District shall, on receiving from the Registrar of the Supreme Court the Certificate of the decision of the said Court on any Case submitted for the opinion of the said Court as aforesaid, procure from the Returning

Officer the Register signed as aforesaid, and lay the same together with the Certificate aforesaid before the District Court Judge charged with the revision of the Register for the District; and such Judge shall thereupon if necessary give effect to the decision of the Court, by inserting on or striking off the Register the name of the person whose right was brought in question in such Case, and shall sign his name against the name so inserted or struck off, and deliver the Register altered as aforesaid to the Returning Officer.

42—Whenever anything is by this Law required to be done on a particular day, and such day falls on a Sunday, such thing shall be done on the following day.

Dates falling on a Sunday.

43—The Provisions of this Law, except in so far as they require that the Register shall be finally settled and signed on or before the thirteenth day of August in each year, shall be deemed directory only; and the validity of any Register settled and signed by the Judge as aforesaid shall not be deemed to be affected by any neglect of the same. Nevertheless all Officers concerned are hereby required to strictly comply with the same.

How far the Provisions of this Law are directory only.

44—Whenever any Officer is by this Law required to make out any List, he shall sign at the foot thereof a Declaration that the same is true and correct to the best of his knowledge and belief; and if any such Declaration shall be untrue to the knowledge of the Officer making the same, such Officer shall be guilty of a misdemeanour, and shall, on conviction thereof, be liable to imprisonment, with or without hard labour, not exceeding twelve calendar months, and to a fine not exceeding one hundred pounds.

Declarations as to truth of Lists.

SCHEDULE A.

FORM OF CLAIM.

To the Collector of Taxes for the Parish of
Sir,

I hereby Claim to have my name inserted at the next making up of the Register of Voters for the Parish of and Electoral District of
as a Voter for the said Parish and Electoral District.

My qualification is as under :—

Christian Name and Surname in full.

Age.

Place of Residence.

Postal Address.

Calling or Occupation.

Nature of Qualification.

And I hereby declare that the above particulars respecting my said Claim are true to the best of my knowledge and belief.

Dated this day of 18 .

(Signed) A. B.

This is to certify that the above A. B. with his own hand subscribed his name to this Claim, and wrote thereon the date of such subscription. (*Or in case the Claimant cannot write signed his mark.*)

(Signed) C. D.,

Justice of the Peace or Collector of Taxes.

SCHEDULE B.

No.	Christian and Surname in full.	Place of Residence.	Postal Address.	Calling or Occupation.	Nature of Qualification.

Passed in Council, 5th November, 1884.

(Signed) H. W. NORMAN, President.

I reserve this Bill for the signification of Her Majesty's pleasure thereon, 19th January, 1885.

(Signed) H. W. NORMAN, Governor.



JAMAICA—LAW 21 OF 1884.

The Elections Law, 1884.

[19th January, 1885.]

WHEREAS it is expedient to make provision for the regulation of the Election of Members to serve in the Legislative Council in this Island :— Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—The following words and expressions shall for the purposes of this Law have respectively meanings hereby assigned to them :— Interpretation clause.

“Order in Council” shall mean the Order of Her Majesty the Queen in Council, dated the 19th day of May, 1884, making provision for the Government of this Island ;

“District” shall mean an Electoral District constituted and appointed by the said Order in Council, or by any Order in Council made by Her Majesty in revocation, alteration or amendment, of the said Order in Council.

2—The Governor shall from time to time appoint a fit and proper person to be the Returning Officer of each Electoral District, and may at any time cancel any such appointment ; and if any Returning Officer shall, by sickness or other cause, be prevented or disabled from acting, or shall refuse or neglect to act at any Election, the Governor may at any time appoint some fit and proper person to act in the place of such Returning Officer at such Election. Returning Officers.
Their appointment
and disappointment.

Every appointment of a Returning Officer shall be valid until his death, or until such appointment shall be cancelled by the Governor. Every appointment or cancellation of appointment of a Returning Officer shall be notified in the Jamaica Gazette:

Provided that the Returning Officers heretofore appointed under the Provisions of the Order in Council shall, until cancellation of their respective appointments in manner herein provided, continue respectively to be the Returning Officers for the several Districts without further or other appointment.

Polling Stations.

3—It shall be lawful for the Governor from time to time, by proclamation to be inserted in the Jamaica Gazette, to appoint and fix some one place in each District to be the head Polling Station for such District, and such other places as he may think fit in each District to be District Polling Stations for such District.

Writs of Election, their issue and return.

4—For the purpose of every General Election of Members of the Council, and for the purpose of the Election of Members to supply vacancies caused by death, resignation or otherwise, the Governor shall issue Writs of Election under the Broad Seal of the Island, addressed to the Returning Officers of the respective Electoral Districts for which Members are to be returned.

Duty of the Returning Officer as to same.

Every such Writ shall specify the day and place of Election, and the day on which it is returnable to the Governor; upon receipt of such Writ every Returning Officer shall proceed to hold the Election thereby directed; and after such Election he shall certify the return of the Member elected by endorsement on the Writ, and shall return the Writ so endorsed to the Governor within the time for that purpose specified therein. He shall also, as soon as possible, give public notice of the Candidate elected, and, in the case of a Contested Election, of the number of votes given for each Candidate, whether elected or not.

Notice of time and place of Election.

5—On the Governor issuing Writs for an Election for any District the Colonial Secretary shall give notice thereof, and of the time and place fixed for the Election, by publication in

the Gazette at least fifteen clear days before the day fixed for the Election; and the Returning Officer shall likewise give a similar notice by causing placards to be affixed to the door of every Court House and Constabulary Station throughout the District.

6—The Returning Officer shall at noon on the day appointed for holding the Election proceed to hold the same at the place appointed.

Holding of Election.

7—Every Candidate for Election as a Member of the Council shall be nominated in writing by not less than six Registered Electors of the Electoral District for which he seeks to be elected.

By whom Candidates may be nominated.

See 1884 35

8—The Returning Officer shall at the place and time aforesaid, and within one hour thereafter, receive such Nomination Papers as may be tendered to him; and a Candidate shall be deemed to be duly nominated if a Nomination Paper, signed as aforesaid, be presented to the Returning Officer at the place aforesaid, and at the hour aforesaid or within one hour thereafter on the day appointed, by the Candidate himself or one of the persons who has signed the Nomination Paper.

Nomination of Candidates.

The Electors who sign the Nomination Paper shall certify upon it that to the best of their belief the Candidate is qualified for Election as a Member of the Legislative Council under the conditions prescribed by Clause 9 of the Order in Council.

Certificate of Qualification.

9—If at the expiration of one hour after the time appointed for the Election there shall be only one Candidate duly nominated, such Candidate shall be declared to be duly elected, and his name shall be returned in manner hereinafter mentioned as the Member for the District.

Uncontested Election.

10—When there shall be more than one Candidate duly nominated a Poll of the Electors shall be taken, and in such case the Returning Officer shall adjourn the Election to the seventh day after the day fixed for the Election as aforesaid, and a Poll shall be taken on such day in manner hereinafter provided.

Contested Election, adjournment to take the Poll.

Third

11—In case of a Poll at an Election of a Member of the Council the Votes shall be given by Ballot. The Ballot of each

Vote by Ballot.

Voter shall consist of a paper (in this Law called a Ballot Paper) showing the names and description of the Candidates. Each Ballot Paper shall have a number printed on the back, and shall have attached to it a Counterfoil with the same number printed on the face.

Preparing Polling-places and making arrangements for taking the Poll.

12—In cases where a Poll is to take place the Returning Officer shall take care beforehand that each Polling-place is provided with proper doors, barriers, tables, chairs and other conveniences, and that the same are properly arranged for carrying out the Provisions of this Law; and he shall appoint a Presiding Officer to preside at each Polling-place, and such Clerks and other persons to assist in the taking of the Poll as he may deem necessary, and he shall also provide each Polling-place with a copy of the Register of the Voters for the District ^{or} certified under his hand, a proper Ballot Box, and a sufficient number of Voting Papers, in conformity with the Provisions of this Law, and such other convenience for taking the Poll as may be necessary.

Inspection of Polling Stations.

13—The Returning Officer shall, on or before the day fixed for the taking of the Poll, visit each Polling Station, and see that each such station is provided with proper conveniences as aforesaid for taking the Poll.

Hours for taking the Poll.

14—The taking of the Poll shall be between the hours of 8 a.m. and 5 p.m.

Duty of Voter on coming to vote.

15—Each person on coming to vote shall address himself to the Presiding Officer, and shall state his name and address in an audible voice so that all persons within the Polling Station may hear the same.

Duty of Presiding Officer thereon.

The Presiding Officer if he find that the name of such person is on the Electoral Register may, and if requested by the Agent of one of the Candidates as hereinafter mentioned shall, put to the Voter the following questions:—

1. Are you the same person whose name appears as A. B. on the Register of Voters now in force for this District?
2. Have you already voted at this Election either here or elsewhere?

The Presiding Officer, in case he shall see fit to dispense with these questions, or the same shall be answered satisfactorily, shall proceed to write the number of such Elector on the Register of Voters on the Counterfoil of a Voting Paper, mark the ~~same~~ with an official mark and, calling out the name of the Voter in an audible voice, deliver such paper to the Voter within the Polling Station. The Voter shall then retire to a table apart, but within the Polling Station, and having secretly marked his Vote on the paper, and folded it up so as to conceal his Vote but so as to show the official mark at the back, shall place it in the Ballot Box in the presence of the Presiding Officer, after having shown to him the official mark at the back. The Voter having voted shall forthwith leave the Polling Station. The Presiding Officer, after having delivered to the Voter a Ballot Paper, and while the Voter is recording his Vote, shall make a mark against the name of such Voter on his copy of the Register of Voters to indicate that such Voter has voted at the Election, but not so as to show the particular Voting Paper given to such Voter.

Voting Paper

16—The Voter shall mark his Vote upon the Voting Paper by drawing his pen through the names of all the Candidates other than that of the person ^{or more of the persons} for whom he wishes to vote.

How to mark a Vote.

17—No person shall be admitted within any Polling-place during the hours appointed for taking the Poll, except the Presiding Officer, one Agent for each Candidate appointed by such Candidate in writing, and one Voter at a time.

Who are to be admitted within the Polling-place.

The Agents aforesaid shall be posted in such a place that they can see each person who presents himself as a Voter, and hear his name as given in by him, and interfere in the proceedings to the extent allowed by this Law, but so that they cannot see how any Voter votes or otherwise interfere.

Agents, how to be placed.

If any Agent persists, after being warned, in contravening these Provisions it shall be lawful for the Presiding Officer to have him turned out of the Polling-place. The Presiding Officer may at any time summon Constables within the Polling-place for the purposes of preserving order.

Preservation of order.

18—The Presiding Officer shall on request give such in-

Instructions by

Presiding Officers. instructions as may appear to be necessary to any Voter as to the manner in which he should record his Vote.

As to a person claiming to vote as an Elector after another person has voted as such Elector.

19—If a person representing himself to be a particular Elector named on the Register applies for a Ballot Paper after another person has voted as such Elector, the applicant shall, upon duly answering the questions set forth in Section 15 of this Law, be entitled to mark a Ballot Paper in the same manner as any other Voter; but the Ballot Paper (hereinafter called a Tendered Ballot Paper) shall be of a colour differing from the other Ballot Papers, and, instead of being put into the Ballot Box, shall be given to the Presiding Officer, and endorsed by him with the name of the Voter and his number in the Register of Voters, and set aside in a separate packet, and shall not be counted by the Returning Officer. And the name of the Voter and his number on the Register shall be entered on a list to be called "The Tendered Votes List."

The Tendered Votes List.

As to Spoilt Ballot Papers.

20—A Voter who has inadvertently dealt with his Ballot Paper in such manner that it cannot be conveniently used as a Ballot Paper may, on delivering to the Presiding Officer the Ballot Paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Presiding Officer, obtain another Ballot Paper in the place of the Ballot Paper so delivered up (hereinafter called a Spoilt Ballot Paper), and the Spoilt Ballot Paper shall be immediately cancelled by the Presiding Officer writing the word "cancelled" across the face of the same.

All cancelled papers shall be preserved by the Presiding Officer, and given up by him at the close of the Poll to the Returning Officer as hereinafter mentioned.

Cases of Voters who are blind or unable to sign their names.

21—If any Voter is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Law, or by any Law or Proclamation in force for the time being, or if any Voter shall, at the time of polling, in the presence of the Officer presiding at the Polling Station, sign with his mark, attested by such Presiding Officer, a Declaration that he is unable to read, such Presiding Officer shall, at the request of such Voter, in the presence of the Agents of the Candidates, cause his Vote to be marked on a Ballot Paper

in manner directed by such Voter, and the Ballot Paper so marked to be placed in the Ballot Box; and the name and number on the Register of Voters of every Voter whose vote is so marked for him, and the reason why it is so marked, shall be entered on a List which shall be delivered to the Returning Officer.

22—The Ballot Box shall be of convenient size, and shall be so constructed that the Ballot Paper can be introduced therein but cannot be withdrawn without the box being unlocked. It shall be provided with a lock and key.

Ballot Box.
Particulars as to
same.

It shall be exhibited empty to such persons as may be in the Polling-place immediately before the taking of the Poll, and shall then be securely locked, and not be again unlocked except by the Returning Officer at the close of the Poll in manner hereinafter mentioned.

Exhibition thereof.

23—The Presiding Officer of each Station, as soon as practicable after the close of the Poll, shall, in the presence of the Agents of the Candidates, make up into separate packets, sealed with his own seal and the seals of such Agents of the Candidates as desire to affix their seals,—

Duty of Presiding
Officer at each
Station on close of
the Poll.

- (1.) Each Ballot Box in use at his Station, unopened but with the key attached, which shall be so sealed as to prevent the introduction of additional Ballot Papers, and
- (2.) The unused and Spoilt Ballot Papers and the Counterfoils as well of these as of the Ballot Papers actually used, placed together, and
- (3.) The Tendered Ballot Papers, and
- (4.) The marked copies of the Register of Voters, and
- (5.) The Tendered Votes List, and the List of Votes marked by the Presiding Officer, and a statement of the number of the Voters whose Votes are so marked by the Presiding Officer, together with the Declarations made by such Voters,

and shall, with all convenient speed, hasten to the Polling-

place at the Head Polling Station, and deliver such packets to the Returning Officer.

Duty of the Returning Officer at the close of the Poll.

24—The Returning Officer, at the close of the Poll, shall proceed, in the presence of the Candidates or their Agents appointed as aforesaid, to examine seals, and note whether they show any signs of having been tampered with, and then to count the Votes contained in each Ballot Box, keeping the Ballot Papers with their faces upwards, and taking all proper precautions for preventing any person from seeing the numbers on the back of such papers. He shall compare the number of the same, together with the spoilt papers, with the number of Voting Papers which from the Counterfoils appear to have been used at each Polling-place, and shall, as he proceeds, record the number of Votes given for each Candidate. He shall also check the several marked copies of the Register of Voters used at the Polling Stations, to see that Votes are not taken in the name of the same Voter at more than one Station. He shall deal with one Ballot Box at a time; and, having counted, compared and recorded, the contents of one Box in manner aforesaid, he shall wrap the Voting Papers contained therein with the Counterfoils and spoilt, tendered and unused, Voting Papers, and all other papers, documents and things, enumerated in Clause 23 hereof, coming from the place where such Box came from, into a parcel, and shall write outside the same the name of the Polling Station from which such papers came, and shall seal up such parcel in such a way that the same cannot be opened without breaking the seals. Having done this he shall proceed to deal in like manner with the contents of another Box, and so on till all the Boxes and their contents have been dealt with in manner aforesaid.

What Ballot Papers are not to be counted. *See note on p. 137.*

25—Any Ballot Paper which has not on its back the official mark, or on which Votes are given to ~~two or more~~ ^{more than one} Candidates, or on which anything except the said number on the back is written or marked by which the Voter can be identified, shall be void and not counted.

Rejected Ballot Papers.

26—The Returning Officer shall endorse "rejected" on any Ballot Paper which he may reject as invalid, and shall add to

the endorsement "rejection objected to" if an objection be in fact made by any Agent to his decision. The Returning Officer shall report to the Governor the number of Ballot Papers rejected, and not counted by him, under the several heads of—

1. Want of official mark,
2. Voting for more Candidates than entitled to,
3. Writing or mark by which Voter could be identified,
4. Unmarked or void for uncertainty,
5. Voting at one or more Polling Stations,

and shall, on request, allow any Agents of the Candidates before such report is sent to copy it.

The Governor shall cause such report as aforesaid to be published in the Jamaica Gazette.

27—The decision of the Returning Officer as to any question arising in respect of any Ballot Paper shall be final, subject to reversal on Petition questioning the Election or Return.

How far decision of Returning Officer final.

28—When the Ballot Boxes and papers aforesaid have been received from each Polling-place, and the Ballot Papers have been counted, compared and recorded in manner aforesaid, the Returning Officer shall proceed to add up the number of Votes given to each Candidate, and shall then publicly declare and announce the Candidate to whom most Votes appear to have been given to be duly elected, and shall return the name of such Candidate to the Governor as the Member duly elected for the District.

Declaration of the Poll and Report as to the Candidate Elected. A. E. —

29—Whenever there is an equality of Votes between Candidates at any Election of a Member of the Council, and the addition of a Vote would entitle any of such Candidates to be declared elected, the Returning Officer, ~~if he is a Registered Elector of the Electoral District for which the Election is held,~~ may give such additional Vote; but the Returning Officer shall not in any other case be entitled to vote at an Election for which he is the Returning Officer.

Restriction on Power of Returning Officer to vote.

amended by
Law 13 of 1886
S. 7.

Further Returns of Particulars of Voting to be sent to the Governor.

30—Together with or as soon as may be after making such Returns as aforesaid, the Returning Officer shall make a further Return to the Governor, shewing the number of persons who appear to have voted at each Voting-place, and the number of Spoilt Ballot Papers delivered to him from such place, and the number of persons to whom from the Counterfoils Voting Papers appear to have been supplied.

Papers to be sent to the Clerk of the Council.

31—The Returning Officer shall, as soon as may be after making the Return, make up into one parcel the different parcels of Voting Papers, Counterfoils, marked copies of Registers, and other papers used at the said Election, and seal up the same so that such parcel cannot be opened without breaking the seals, and send the same to the Clerk of the Legislative Council, who shall keep the same in safe custody, and shall allow no person to have access to the same :—

His duty and powers as to same.

Provided always that, when an Election Petition has been presented questioning the validity of any Election or Return, the said Clerk shall, on the order of a Judge of the Supreme Court, deliver to such Judge the parcel of papers relating to the Election that is in dispute.

Provided also that after the expiration of twelve months from the day of any Election it shall be lawful for the said Clerk to burn the said parcel of papers used at such Election.

OFFENCES IN CONNECTION WITH ELECTIONS.

Bribery.

32—The following persons shall be deemed guilty of Bribery within the meaning of this Law :—

- (1.) Every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any Voter, or to or for any person on behalf of any Voter, or to or for any other person in order to induce any Voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such Voter having voted or refrained from voting at any Election.

- (2.) Every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment, to or for any Voter, or to or for any person on behalf of any Voter, or to or for any other person in order to induce such Voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any Voter having voted or refrained from voting at any Election.
- (3.) Every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the Return of any person as an Elected Member of the Council, or the Vote of any Voter at any Election.
- (4.) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the Return of any person as an Elected Member of the Council, or the Vote of any Voter at any Election.
- (5.) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any Election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any Election.
- (6.) Every Voter who, before or during any Election, directly or indirectly, by himself or by any other person in his behalf, receives, agrees or contracts for, any money, gift, loan or valuable consideration;

office, place or employment, for himself or for any person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any Election.

- (7.) Every person who, after any Election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any Election.
- (8.) Every person who directly or indirectly corruptly pays any rate or tax on behalf of any other person, for the purpose of enabling him to be registered as a Voter, in order thereby to influence his Vote at any future Election, and every person on whose behalf, and with whose privity, any such payment as last aforesaid is made.

Treating

The following persons shall be deemed guilty of Treating within the meaning of this Law :—

- (1.) Every person who corruptly, by himself or by any other person, either before, during or after an Election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment or provision, to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such Election, or on account of such person or any other person having voted or refrained from voting at such Election.
- (2.) Every Elector who corruptly accepts or takes any such food, drink, entertainment or provision.

Undue Influence.

33—Every person who directly or indirectly by himself or by any other person on his behalf makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss, upon or

against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any Election, or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the Franchise of any Elector, or thereby compels, induces or prevails upon, any Elector either to give or refrain from giving his Vote at any Election, shall be guilty of Undue Influence within the meaning of this Law.

34—Every person who at an Election applies for a Ballot Paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person, or who having voted once at any Election applies at the same Election for a Ballot Paper in his own name, shall be guilty of Personation within the meaning of this Law. Personation.

35—Every person who is guilty of Bribery, Treating or Undue Influence, shall, on conviction thereof, be liable to be imprisoned, with or without hard labour, for a term not exceeding one year, or to be fined any sum not exceeding £200. Penalty for Bribery, Treating, or Undue Influence.

36—Every person who is guilty of Personation, or of aiding, abetting, counselling or procuring, the commission of the offence of Personation, shall, on conviction thereof, be liable to be imprisoned, with or without hard labour, for a term not exceeding two years. Penalty for Personation.

37—Every person who is convicted of Bribery, Treating, Undue Influence or Personation, or of aiding, counselling or procuring, the commission of the offence of Personation, shall (in addition to any other punishment) be incapable during a period of seven years from the date of his conviction,— Disqualifying effect of conviction of either of those offences.

- (1.) Of being registered as a Voter, or voting at any Election of a Member of the Council,
- (2.) Of being elected a Member of the Council, or, if elected before his conviction, of retaining his seat as such Member.

38—Every person who—

Illegal Practices.

- (1.) Votes, or induces or procures any person to vote, at

any Election, knowing that he or such other person is prohibited by this Law, or by any other Law, from voting at such Election,

- (2.) Before or during an Election knowingly publishes a false statement of the withdrawal of a Candidate at such Election for the purpose of promoting or procuring the Election of another Candidate,

Penalty.

shall be guilty of an Illegal Practice, and shall, on summary conviction thereof, be liable to a fine not exceeding £100, and be incapable during a period of five years from the date of his conviction of being registered as a Voter, or voting at any Election of a Member of the Council for the Electoral District in which the Illegal Practice was committed.

**Specified Misde-
meanors under this
Law.**

39—Every person who—

- (1.) Forges or counterfeits, or fraudulently defaces or destroys, any Ballot Paper or the official mark on any Ballot Paper, or
- (2.) Without due authority supplies a Ballot Paper to any person, or
- (3.) Fraudulently puts into any Ballot Box any paper other than the Ballot Paper which he is authorized by law to put in, or
- (4.) Fraudulently takes out of the Polling Station any Ballot Paper, or
- (5.) Without due authority destroys, takes, opens or otherwise interferes with, any Ballot Box or packet of Ballot Papers then in use for the purposes of any Election,

Penalty therefor.

shall be guilty of Misdemeanour, and be liable, if he is a Returning Officer or Presiding Officer, or Clerk employed at a Polling Station, to imprisonment for any term not exceeding two years, with or without hard labour, or to a fine not exceeding £200, and if he is any other person to imprisonment for any term not exceeding six months, with or without hard labour, or to a fine not exceeding £50.

Any attempt to commit any offence specified in this Clause Attempts. shall be punishable in the manner in which the offence itself is punishable.

In any information or prosecution for an offence in relation to the Ballot Boxes, Ballot Papers, and other things in use at an Election, the property in such Ballot Boxes, Ballot Papers or things, may be stated to be in the Returning Officer at such Election.

40—Every Officer, Clerk and Agent, in attendance at a Duty of secrecy. Polling Station shall maintain and aid in maintaining the secrecy of the voting in such Station, and shall not communicate, except for some purpose authorized by law, before the Poll is closed, to any person any information as to the name or number on the Register of Voters of any Voter who has or has not applied for a Ballot Paper or voted at that Station; and no person whosoever shall interfere with or attempt to interfere with a Voter when marking his vote, or otherwise attempt to obtain in the Polling Station any information as to the Candidate for whom any Voter in such Station is about to vote or has voted, or as to the number on the back of the Ballot Paper given to any Voter at such Station.

Every Officer, Clerk and Agent, in attendance at the counting of the Votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any Ballot Paper, or communicate any information obtained at such counting as to the Candidate for whom any Vote is given in any particular Ballot Paper.

No person shall, directly or indirectly, induce any Voter to display his Ballot Paper after he has marked it, so as to make known to any person the name of the Candidate for or against whom he has so marked his Vote.

Every person who acts in contravention of the Provisions of this Clause shall be liable, on summary conviction before two or more Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. Penalty on breach of this Section.



JAMAICA—LAW 1 OF 1885.

The Trades and Business License Law, Amendment Law, 1885.

*Incorporated with
Law 18 of 1867
Law 9 of 1873.*

[17th April, 1885.]

BE it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

Preamble.

1—In amendment of Section one and Section four of Law 18 of 1867 it is hereby provided that the licenses required to be taken out under the said Law shall not after the coming into operation of this Law be stamped, but the Collector of Taxes shall, if satisfied with the correctness of any return made to him under the Provisions of the said Law, on being paid the amount of duty in the Schedule to the said Law, as amended by Law 9 of 1873, specified for the trade or business, or the class thereof, entered in such return, deliver to the applicant a license for such trade or business, or the class thereof, for which the applicant shall have made such return ; and every such license shall be endorsed with a certificate under the hand of the Collector to the effect that such and such an amount of duty, (being the amount of duty specified in the said Schedule as so amended for the trade or business, or class thereof, for which the license is granted,) has been paid by the applicant to such Collector.

*Law 18 of 1867,
secs. 1 and 4
amended.
Certificate of pay-
ment on License
substituted for
Stamp.*

2—This Law shall come into force on the fifth day of April, 1885.

*Commencement of
Law.*

3—The Twenty-eighth Section of Law 18 of 1867 is hereby repealed.

*Law 18 of 1867
sec. 28 repealed.*



JAMAICA—LAW 2 OF 1885.

The Registration Law 1881, Amendment Law 1885.

*Incorporated with
Law 13 of 1881 &
amended by Law 2 of 1885*

[17th April, 1885.]

WHEREAS it is provided by Section 42 of the Registration Law 1881 (Law 13 of 1881) that the Registrar-General shall, on receipt by him as therein provided of the Registration Forms therein mentioned, cause the same to be copied into a General Register Book of Births and Deaths (as the case may be), to be called respectively "The General Register of Births" and "The General Register of Deaths," and by Section 44 of the said Law that the Registrar-General shall, on receipt of the Registration Form Books as provided by Section 43, make such examination of the said Books as may appear to be necessary :— Preamble.

And Whereas it would seem that the keeping of the said General Register Books is an unnecessary duplication of labour, and that it would be sufficient if the said Registration Forms were filed and safely preserved in the Registrar's Office, as it is already provided that they shall be, and that the Registration Form Books, when received as aforesaid, should be examined by comparing them with the Forms received as aforesaid :—

And Whereas it is desirable further to amend the said Law :—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1.—So much of Section 42 of the said Law as provides that the Registrar-General shall cause the Registration Forms sent Law 13 of 1881,
sec. 42, partially re-
pealed.

to him, as therein provided, to be copied into a General Register Book of Births, or a General Register Book of Deaths, (as the case may be,) shall be and the same is hereby repealed; and such repeal shall be deemed to date from the passing of the said Law.

Registration Form Books to be examined by the Registrar-General.

2—The Registration Form Books shall, on receipt thereof, be compared with the Registration Forms filed and preserved in the office of the Registrar-General in accordance with the Provisions of Section 42 of the said Law, and shall further be examined by the Registrar-General in such way as may appear to be necessary.

Amendment of errors in Registration Forms.

3—Errors that may be discovered in Registration Forms filed as aforesaid may be amended by the same officer, in the same manner, and subject to the same conditions, as is prescribed by the said Law with respect to the correction of errors in Registers.

Indexes of Registration Forms.

4—Indexes shall be made of all Registration Forms, filed as aforesaid, in manner provided by Section 48 of the said Law in the case of Registers.

Certified copies of Registration Forms, how far evidence.

5—Certified copies of Registration Forms, filed as aforesaid, shall be given in the same manner and form, and shall be admissible in evidence of the Birth or Death therein recorded in the same way, to the same extent, and subject to the same conditions, as is provided by the said Law with regard to certified copies of entries in Register Books.

**Births or Deaths in Public Institutions:
Duty of the Chief Resident Officer in relation thereto.**

6—In the case of any Birth or Death occurring in any Public Institution, it shall not be necessary for the officer in charge of such Institution to attend personally before the Registrar to give information of the particulars required to be registered concerning such Birth or Death, or to sign the Registration Form and Counterfoil; but it shall be the duty of the Chief Resident Officer of any such Institution, within the time limited by the Registration Law of 1881 in the case of Births and Deaths respectively, to send to the Registrar a Certificate under his hand, giving to the best of his knowledge and belief information of the particulars required to be registered concerning such Birth

or Death, and indicated in the forms A and B of Schedule 1 to the Registration Law, 1881, concerning any Birth or Death, (as the case may be,) and thereupon the Registrar shall proceed to register the Birth or Death and the said particulars (if the same have not been previously registered), and shall attach the said Certificate to the Registration Form, and transmit the two together to the Registrar-General.

If the Birth or Death has been previously registered, and the Registration Form Book containing the Counterfoil of such Registration, is still in his possession, the Registrar shall make a note of such Certificate on such Counterfoil, and shall send the certificate to the Registrar-General. The Registrar-General shall in any such last-mentioned case, in addition to the things by the said Law required to be done in ordinary cases, cause the said Certificate to be attached to the Registration Form, and shall in every case cause the said Certificate to be filed and kept with the Registration Form.

Duty of Registrar and Registrar-General thereon.

7—Section 56 of the said Law (Sub-section 4) is hereby amended by substituting the words "Registration Form" for the words "Register of Births or Deaths" where the latter words occur.

Law 13 of 1881, sec. 56, sub-section 4, amended.

8—Law 13 of 1881 and this Law shall be read and taken together as one Law.

Incorporation of Law 13 of 1881.



JAMAICA—LAW 3 OF 1885.

The Election Petitions Law, 1885.

[17th April, 1885.]

WHEREAS it is expedient to make provision for the trial of Petitions complaining of an undue return or undue Election of a Member of the Legislative Council of this Island :— Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—The following terms shall in this Law have the meanings hereby assigned to them respectively, that is to say :— Interpretation Clause.

“ The Order in Council ” shall mean the Order of Her Majesty the Queen in Council, dated the 19th day of May 1884, for establishing a Legislative Council in this Island. Order in Council.

“ District ” shall mean an Electoral District as constituted by the said Order in Council, or by any future Order in Council, or Law amending the same. District.

“ Corrupt Practices ” or “ Corrupt Practice ” shall mean bribery, treating and undue influence, or any of such offences, as defined by any Law of, or any Order in Council having the force of Law in, this Island, or as recognized by the Common Law of Parliament. Corrupt Practices.

“ Petition ” or “ Election Petition ” shall mean a Petition complaining of an undue return or undue Election of a Member of the Legislative Council, presented to the Supreme Court under the Provisions of this Law. Petition.

2—A Petition may be presented to the Supreme Court by any one or more of the following persons, that is to say,— Who may present Petitions.

- (1) some person who voted, or had a right to vote, at the Election to which the Petition relates,
- (2) some person claiming to have had a right to be returned or elected at such Election,
- (3) some person alleging himself to have been a candidate at such Election.

Provisions as to presenting Petitions.

3. The following Provisions shall apply to the presentation of an Election Petition :—

Signature.

- (1.) The Petition shall be signed by the Petitioner, or all the Petitioners if more than one.

When and to whom.

- (2.) The Petition shall be presented to the Registrar of the Supreme Court within twenty-one days after the return has been made of the Member to whose Election the Petition relates, unless it question the return or Election upon an allegation of Corrupt Practices, and specifically alleges a payment of money or other reward to have been made by any member, or on his account or with his privity, since the time of such return, in pursuance or in furtherance of such Corrupt Practices, in which case the Petition may be presented at any time within twenty-eight days after the date of such payment.

How.

- (3.) Presentation of a Petition shall be made by delivering it to the said Registrar.

Security for Costs.

- (4.) At the time of the presentation of the Petition, or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the Petitioner,
 - (a.) to any person summoned as a witness on his behalf, or
 - (b.) to the Member whose Election or return is complained of, (who is hereinafter referred to as the Respondent,) shall be given on behalf of the Petitioner.

To what amount and how given.

- (5.) The security shall be to an amount of three hundred pounds; it shall be given either by recognizance to be entered into by any number of sureties not exceed-

ing four, or by deposit of money in the Treasury to the credit of the Petition to abide the order of the Court, or partly in one way and partly in the other.

4—On presentation of the Petition the Registrar shall publish a copy of the same in the Jamaica Gazette.

Publication of
Petition.

5—Notice of the presentation of a Petition and of the nature of the proposed security, accompanied by a copy of the Petition, shall, within ten days after the presentation of the Petition, be served by the Petitioner on the Respondent.

Service of Notice
and Copy of Peti-
tion and of pro-
posed Security.

It shall be lawful for the Respondent, when the security is given wholly or partly by recognizance, within ten days from the service on him of the notice, to object in writing to such recognizance on the ground that the sureties or any of them are insufficient, or that a surety is dead, or that he cannot be found or ascertained from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

Objections to
Sureties.

6—Any objection made to the security given shall be made by summons on the Petitioner to appear before a Judge in Chambers.

Hearing objections.

If an objection to the security is allowed, it shall be lawful for the Petitioner, within such time not exceeding ten days as may be ordered by the Judge before whom the summons is heard, to remove such objection by a deposit in the Treasury as aforesaid of such sum of money as may be deemed by the Judge aforesaid to make the security sufficient.

Removing objec-
tions.

If on objection made the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the Petition ; otherwise on the expiration of the time limited for making objections, or after objections made on the sufficiency of the security being established, the Petition shall be deemed to be at issue.

Result of security
insufficient,

if sufficient or not
objected to.

7—It shall be sufficient that a Petition shall state generally the grounds on which the Petitioner relies for challenging the Election or return, concluding with a statement of the relief sought for ; particulars, however, of the Acts complain-

General grounds
and special relief
to be stated ;
Particulars of Acts
relied on to be fur-
nished.

ed of as avoiding the Election or return shall be furnished by the Petitioner to the Respondent within ten days after the presentation of the Petition.

As to better particulars.

It shall be lawful for a Judge of the Supreme Court, on a summons taken out by the Respondent for the purpose, to order further and better particulars to be furnished by the Petitioner, or on a summons being taken out by the Petitioner to allow such particulars to be added to or amended.

Service of Notices, how effected.

8—Service of any notices required to be served shall be effected in accordance with the rules in force in the Supreme Court with reference to service.

Address for Service to be furnished by both parties.

9—The Petitioner shall in his Petition state his address for service within three miles of the Court House of Kingston. Similarly a Respondent shall, within ten days after service on him of notice of the Petition as aforesaid, or together with service of any summons taken out by him for the purpose of objecting to the sufficiency of security as aforesaid, furnish an address for service within the distance aforesaid.

Notice of Cross Complaint.

10—Where a Petition complains of an undue return and claims the seat for some person other than the person returned, it shall be lawful for the Respondent, within ten days after service of the notice of the Petition as aforesaid, to give notice to the Petitioner that he intends to complain of the Election of the person on whose behalf the seat is claimed as undue.

Rules as to same.

The rules applicable to a Petition and to particulars of charges made therein shall apply equally to such notice.

Several Petitions as to the same Election.

11—Where more Petitions than one are presented relating to the same Election or return, all such Petitions shall be dealt with as one Petition, in such manner and on such terms as a Judge in Chambers may direct.

Withdrawal of Petitions.

12—An Election Petition shall not be withdrawn without the leave of the Court, or of a Judge in Chambers, upon special application made for such leave.

Notice of application.

No such application shall be granted unless the Court or Judge is satisfied that adequate notice has been given in the

District to which the Petition relates of the intention of the Petitioner to make such application.

On the hearing of the application for withdrawal, any person who might have been a Petitioner in respect of the Election to which the Petition relates may apply to the Court or a Judge to be substituted as Petitioner for the Petitioner so desirous of withdrawing the Petition.

The Court or Judge may, if it or he thinks fit, substitute as a Petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is in the opinion of the Court or Judge induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original Petitioner shall remain as security for any costs that may be incurred by the substituted Petitioner, and that to the extent of the sum named in such security the original Petitioner shall be liable to pay the costs of the substituted Petitioner.

Substituted
Petitioner.
Security.

If no such order is made with respect to the security given on behalf of the original Petitioner, security to the same amount as would be required in the case of a new Petition, and subject to the like conditions, shall be given on behalf of the substituted Petitioner before he proceeds with his Petition, and within five days after the order of substitution.

Subject as aforesaid, a substituted Petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities, as the original Petitioner.

If a Petition is withdrawn the Petitioner shall be liable to pay the costs of the Respondent.

Costs of withdrawal.

Where there are more Petitioners than one, no application to withdraw a Petition shall be made except with the consent of all the Petitioners.

13—An Election Petition shall be abated by the death of a sole Petitioner, or of the survivor of several Petitioners. The abatement of a Petition shall not affect the liability of the Petitioner to the payment of costs previously incurred. On the abatement of a Petition notice of such abatement having taken place shall be given in the Jamaica Gazette; and within fourteen days after such notice has been given any

Death of Petitioner.

Publication of notice thereof.

Substituted Petitioner.

person who might have been a Petitioner in respect of the Election to which the Petition relates may apply to the Court or a Judge in Chambers to be substituted as a Petitioner.

The Court or Judge may, if it or he thinks fit, substitute as a Petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new Petition, and subject to the same right on the part of the Respondent to object to the sufficiency of the same.

Respondent's death or refusal to contest.

14—If before the trial of any Election Petition any of the following events happen in the case of the Respondent (that is to say),

(1.) If he dies,

(2.) If he gives notice to the Registrar of the Court and to the Petitioner that he does not intend to oppose the Petition,

Substituted or additional Respondent.

notice of such event having taken place shall be given in the Jamaica Gazette, and within fourteen days after the notice shall have been given any person who might have been a Petitioner in respect of the Election to which the Petition relates may apply to the Court or a Judge in Chambers to be admitted as a Respondent to oppose the Petition, and such person shall on such application be admitted accordingly, either with the Respondent, if there be a Respondent, or in place of a Respondent; and any number of persons not exceeding three may be so admitted.

Respondent's disabilities after refusal to contest.

15—A Respondent who has given the prescribed notice that he does not intend to oppose the Petition shall not be allowed to appear or act as a party against such Petition in any proceedings thereon, and shall not sit or vote in the Legislative Council until the Governor has been informed of the report on the Petition; and the Court or Judge shall in all cases in which such notice has been given forthwith report the same to the Governor.

Double Return. Amendment thereof.

16—Where an Election Petition complains of a double return, and the Respondent has given notice to the Registrar of the Court and the Petitioner that it is not his intention to

oppose the Petition, and no party has been admitted in pursuance of the Provisions of this Law to defend such return, then the Petitioner, if there be no Petition complaining of the other member returned on such double return, may withdraw his Petition, by notice addressed to the Registrar of the Court; and upon the receipt of such notice the Registrar shall report the fact of the withdrawal of such Petition to the Governor, who shall thereupon give the necessary directions for amending the said double return.

17—Where an Election Petition complains of the conduct of a Returning Officer, such Returning Officer shall for all the purposes of this Law, except the admission of Respondents in his place, be deemed to be a Respondent. Complaints of conduct of the Returning Officer.

18—A Petition complaining of no return may be presented to the Court, and shall be deemed to be an Election Petition within the meaning of this Law; and the Court may make such order thereon as they think expedient for compelling a return to be made, or may allow such Petition to be heard by the Judge in manner hereinbefore provided with respect to ordinary Election Petitions. Complaint of no Return.

19—The following Provisions shall take effect with reference to the trial of an Election Petition:— Trial of Petitions.

- (1.) The Judges of the Supreme Court shall determine among themselves which of their body shall try any Petition that shall be presented. By whom.
- (2.) The trial shall take place at the Court House of the chief Polling Place for the District to which the Petition relates. Where.
- (3.) Every Election Petition shall be tried by a Judge of the Supreme Court sitting alone without a Jury in open Court. How.
- (4.) The Judge who is to try any Petition shall give notice of the day he may fix for the trial of the Petition, by affixing such notice to the outer door of the office of the Registrar of the Supreme Court, and by publication in the Jamaica Gazette. Notice of day fixed.

Such notice shall be given not less than fourteen days before the day fixed.

Adjournments.

- (5.) The Judge presiding at the trial may adjourn the same from time to time, and from any one place to any other place within the Electoral District, as to him may seem expedient.

Decision and Certificate thereof.

- (6.) At the conclusion of the trial, the Judge shall determine whether the Member of Council whose return or Election is complained of, or any and what other person, was duly returned or elected, or whether the Election was void, and shall certify such determination to the Governor; and upon such Certificate being given such determination shall be final, and the return shall be confirmed or altered, or a writ for a new Election shall be issued, as the case may require, in accordance with such determination.

Certificate where Corrupt Practices charged.

- (7.) Where any charge is made in an Election Petition of any Corrupt Practice having been committed at the Election to which the Petition refers, the Judge shall in addition to the Certificate aforesaid, and at the same time as he sends such Certificate, report in writing to the Governor as follows:—
- (a.) Whether any Corrupt Practice has or has not been proved to have been committed at such Election, and the nature of such Corrupt Practice;
 - (b.) Whether any Corrupt Practice proved to have been committed as aforesaid has or has not been proved to have been committed by, or with the knowledge and consent of, any candidate at such Election, or by any agent of such candidate;
 - (c.) The names of all persons, if any, who have been proved at the trial to have been guilty of any Corrupt Practice;
 - (d.) Whether Corrupt Practices have, or whether there is reason to believe that Corrupt Practices have, extensively prevailed at the Election to which the Petition relates.

(8.) The Judge may at the same time make a special report to the Governor as to any matter arising in the course of the trial, an account of which in his judgment ought to be submitted. Special Report.

(9.) Where, upon the application of any party to a Petition under this Law, it appears to the Court or to a Judge in Chambers that the case raised by the Petition can be conveniently stated as a Special Case, the Court or Judge may direct the same to be stated accordingly; and any such Special Case shall, as far as may be, be heard before the Court, and the decision of the Court shall be final; and the Court shall certify to the Governor its determination in reference to such Special Case. Special Case.

20—If it appear to the Judge on the trial of the said Petition that any question or questions of law, as to the admissibility of evidence or otherwise, require further consideration by the full Court, then it shall be lawful for the said Judge to postpone the granting of the said Certificate until the determination of such question or questions by the Court, and for this purpose to reserve any such question or questions in like manner as such questions are generally reserved by a Judge on a trial *à nisi prius*. Power to reserve questions of Law.

21—At the trial of an Election Petition, unless the Judge otherwise directs, any charge of a Corrupt Practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such Corrupt Practice. Evidence as to Corrupt Practices receivable before proof of Agency.

22—On the trial of an Election Petition the Judge shall, subject to the Provisions of this Law, have the same powers, jurisdiction and authority, as a Judge of the Circuit Court; and the Court held by him shall constitute a Court of the Supreme Court; and witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances will admit, as in a trial of a civil action in the Supreme Court, and shall be subject to the same penalties for perjury. Powers of Judge and Procedure of the Court.

23—The Judge shall be attended on the trial of an Election Petition by the Clerk of the Circuit Court for the Parish in Officers to attend Court.

the same way as if he were sitting as the Judge of such Circuit Court, and by such other officers as usually attend the last-mentioned Judge.

Attendance and examination of Witnesses.

24—On the trial of an Election Petition the Judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the Election to which the Petition refers, and any person refusing to obey such order shall be guilty of contempt of Court.

The Judge may examine any witness so compelled to attend, or any person in Court, although any such witness is not called and examined by any party to the Petition.

After the examination of a witness by the Judge, such witness may be cross-examined by or on behalf of the Petitioner and Respondent, or either of them.

Costs of Witnesses.

25—The reasonable expenses incurred by any person in appearing to give evidence at the trial of an Election Petition, according to the scale allowed to witnesses on the trial of civil actions in the Circuit Court, may be allowed to such person under the hand of the Judge; and such expenses, if the witness was called and examined by the Judge under the powers conferred by the preceding clause, shall be paid in the same manner as the expenses of witnesses summoned on behalf of the Crown to give evidence on a criminal trial in the Circuit Court, and in other cases shall be paid by the party who subpoenaed such witness, and shall be deemed to form part of the costs of such party.

Award and Taxation of Costs.

26—All costs and charges and expenses of and incidental to the presentation of a Petition, and to the proceedings consequent thereon, with the exception of such costs, charges and expenses, as are by this Law otherwise provided for, shall be defrayed by the parties to the Petition in such manner and in such proportions as the Court or Judge may determine, regard being had to the disallowance of any costs charges or expenses which may, in the opinion of the Court or Judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections, on the part either of the Petitioner or the Respondent, and regard being had to the discouragement

of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful. And the Court or Judge shall give judgment for such costs in accordance with such determination as aforesaid. Such costs shall be taxed by the proper officer of the Supreme Court according to the same principles as costs between Attorney and Client are taxed in an Equity Suit in the Supreme Court.

27—If any Petitioner in an Election Petition neglect or refuse for the space of six months after demand to pay to any person summoned as a witness on his behalf, or to the Respondent, any sum certified to be due to him for his costs, charges and expenses, and if such neglect or refusal be, within one year after such demand, proved to the satisfaction of a Judge of the Supreme Court, in every such case every person who has entered into a recognizance relating to such Petition under the Provisions of this Law shall be held to have made default in his said recognizance; and the Registrar of the Court shall thereupon certify such recognizance to be forfeited, and the same shall be dealt with in manner provided by the Act of the Twenty First Year of the Reign of Her present Majesty, Chapter twenty three.

Forfeiture of Recognizance.

28—Where it is reported by a Judge, under the Provisions of this Law, that at the trial of an Election Petition any Corrupt Practice was proved to have been committed by, or with the knowledge and consent of, any candidate at the Election to which the Petition relates, not only shall the Election of such candidate, if he has been elected, be void, but he shall be incapable of being elected to or of sitting in the Legislative Council during the five years next after the date of the said report; and he shall further be incapable during the said period of five years—

Results of Reports of Corrupt Practices, by or with the consent of the Candidate,

- (1.) Of being registered as a voter or voting at any Election of a Member of the Council, and
- (2.) Of holding any office under the Crown in this Island, or any Municipal office, and
- (3.) Of holding any judicial office, and of being appointed and of acting as a Justice of the Peace.

by his Agent without his knowledge.

Where it is reported as aforesaid that any Corrupt Practice was proved to have been committed by the agent of any candidate at such Election, but not with the knowledge or consent of such candidate, not only shall the Election of such candidate be void, but he shall be incapable of being elected or sitting in the Legislative Council, for the District for which the Election was held, during the Legislative Council then in existence.

Employment as Agent of a person known to have been found guilty of Corrupt Practices : Effect thereof.

29—If, on the trial of any Election Petition under this Law, any candidate is proved to have personally engaged, at the Election to which such Petition relates, as a canvasser or agent for the management of the Election, any person, knowing that such person has within five years previous to such engagement been found guilty of any Corrupt Practice by any competent legal tribunal, or been reported guilty of any Corrupt Practice by the report of the Judge upon an Election Petition under this Law, the Election of such candidate shall be void.

Where Corrupt Practices proved as to individual voters, course to be pursued.

30—Where a candidate, on the trial of an Election Petition claiming the seat for any person, is proved to have been guilty, by himself or by any person on his behalf, of any Corrupt Practice in respect of any person who voted at such Election, it shall not be necessary on a scrutiny to ascertain how such person voted, but there shall be struck off, from the number of votes appearing to have been given to such candidate, one vote for every person who voted at such Election and in respect of whom any such Corrupt Practice is proved to have been committed as aforesaid.

Determination of disqualification if procured by perjury.

31—If, at any time after any person has become disqualified by virtue of this Law, the witnesses, or any of them, on whose testimony such person shall have so become disqualified, shall, upon the prosecution of such person, be convicted of perjury in respect of such testimony, it shall be lawful for such person to move the Court to order, and the Court shall, upon being satisfied that such disqualification was procured by means of perjury, order, that such disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly.

32—No person who has voted at an Election shall, in any legal proceeding to question the Election or return, be required to state for whom he has voted.

No person to be
required to state
for whom he voted.



JAMAICA—LAW 4 OF 1885.

The Rio Cobre Canal Finance Law, 1885.

[17th April. 1885.]

BE it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

Preamble.

1—From and after the 30th day of September next, the Rio Cobre Canal and Irrigation works, and all dams, sluices and other works, in connection therewith, shall be and the same are hereby vested in the Colonial Secretary of Jamaica for the time being, for the use of Her Majesty the Queen, her heirs and successors; and in all legal proceedings it shall be sufficient to state generally such Canal and works to be the property of Her Majesty the Queen.

Rio Cobre Canal and Irrigation Works vested in the Colonial Secretary.

2—From and after the said 30th day of September, all liability in respect of the principal and interest of Debentures issued under Law 27 of 1872 shall be assumed directly by the Government of this Colony; and so long as any of the said Debentures remain outstanding provision shall be made in each year for the payment of the interest thereon, and of such portion of the principal as may by the terms of such Debentures be payable.

Liabilities on outstanding Debentures assumed by the Government.

3—From and after the said 30th day of September, the Colonial Secretary, on behalf of the Colony, shall have the exclusive right and title to the revenue derived from the sale or use of the water which may be diverted from the Rio Cobre Canal, under the laws authorising the construction of the Irrigation works from that river; and the cost of the current charges of management of the said Irrigation works, and all the costs and charges connected with the said works, shall be defrayed out of the General Revenue of this Island.

Government to receive the Revenue, and pay the working and other expenses, of the Irrigation Works.

Certain Powers of
Commissioners
vested in the Colo-
nial Secretary.

4—The powers vested in the said Commissioners by Sections 8 and 9 of the said Law shall, after the said 30th day of September, be exercised by the Colonial Secretary.

Transfer of Cash
balance to General
Revenue.

5—Any monies held by the Treasurer at the credit of the Commissioners on the 30th day of September next shall form part of the General Revenue of the Island.

Debts to Commis-
sioners trans-
ferred.

6—Any monies owing to the Commissioners on the said 30th September shall from and after the said day be payable to the Colonial Secretary.

Recovery of same.

7—All monies by this Law made payable to the Colonial Secretary shall be recoverable by action of debt at the suit of the Attorney General, on behalf of the Government of this Island.



JAMAICA—LAW 5 OF 1885.

The Turks and Caicos Islands Prisoners' Law, 1885.

[17th April, 1885.]

WHEREAS there is in the Turks and Caicos Islands no suitable Prison for the performance of penal discipline, or for the detention of prisoners sentenced to long terms of imprisonment :— Preamble.

And Whereas proper provision has been made by the Legislative Board of the said Islands for the reimbursement of the Government of this Island of the expenses incurred in and about the sending of such prisoners to, and their detention in, the Penitentiary of this Island, there to serve the sentences imposed on them respectively, and otherwise in carrying out the Provisions of this Law :—

Be it therefore enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—From and after the passing of this Law, when any person shall have been convicted in the Turks and Caicos Islands of any crime or offence, and shall have been sentenced to any term of penal servitude, or to imprisonment with hard labour for a term of twelve months or upwards, it shall be lawful for the Chief Commissioner of the said Islands, at any time not less than nine months within the expiration of the sentence of penal servitude or imprisonment as aforesaid, by Warrant under his hand, to send such person in custody of an officer to Jamaica, there to be kept in the General Penitentiary in all respects as if he had been sentenced by any Court of competent jurisdiction in Jamaica. Power to send certain Convicts from the Turks and Caicos Islands to the General Penitentiary.

2—The Warrant aforesaid shall be addressed to the officer aforesaid having the custody of the prisoner, and to the Super- Warrant of commitment and transfer.

intendent or other principal officer of the Penitentiary. It shall recite the conviction of the prisoner, the date of the conviction, and the sentence imposed upon him, and shall direct the officer aforesaid to take the prisoner aforesaid in custody by the ship or vessel named therein going direct to Kingston in this Island, and on arrival there to lodge him together with the Warrant in the General Penitentiary. And the said Warrant shall direct the Superintendent or other principal officer of the Penitentiary to receive the prisoner named therein, and keep him in the General Penitentiary, in all respects as if the sentence imposed upon him had been imposed by a Court of competent jurisdiction in this Island.

Duty of Officer to whom Warrant addressed.

3—The officer to whom such Warrant as aforesaid is addressed shall take such prisoner in his custody, by the ship or vessel named therein, and deliver him on arrival in this Island to the Superintendent or other principal officer of the Penitentiary, together with the Warrant aforesaid.

Constables to aid execution of Warrant.

4—All Constables in Jamaica shall, as occasion may require, give their assistance in conveying any such prisoners on arrival in this Island to the Penitentiary.

Duties thereon of Superintendent of the General Penitentiary.

5—The Superintendent or other principal officer of the Penitentiary shall, on receipt of any such Warrant as aforesaid, receive the prisoner into the Penitentiary, and, unless or until he be otherwise directed by the Governor, treat him in all respects as if he had received his sentence in this Island. He shall, forthwith after receipt of any such prisoner, send to the Colonial Secretary a copy of the Warrant under which he has received him, and shall inform him of the date of such receipt.

Power to order return of prisoner.

6—It shall be lawful for the Governor at any time to order any such prisoner before the expiration of his sentence to be returned in custody to the said Islands, there to serve the remainder of his sentence.

Prisoner to be deemed to be in legal custody till expiry of his sentence.

7—Any such prisoner as aforesaid shall, under the circumstances aforesaid, from the time of his departure from the Turks and Caicos Islands to the time of the expiration or other sooner determination of his sentence, be deemed to all intents and purposes to be in legal custody, both while on board ship

and on arrival in Jamaica and in the Penitentiary, and (until the expiration of his sentence) while on board ship on his return to the said Islands.

8—The Governor shall provide any such prisoner with a free return passage to the Turks and Caicos Islands, by the first ship that may be leaving Kingston within a month before the expiration of his sentence, or by the first ship that may be leaving afterwards: Provided that if any such prisoner, on being offered a passage as aforesaid before the expiration of his sentence, shall express a wish not to return to the Turks and Caicos Islands, he shall be kept in the Penitentiary until the expiration of his sentence. Should no such offer be made, he shall be informed, before being discharged from the Penitentiary, that if he desires to return to the Turks or Caicos Islands arrangements will be made for providing him with a passage. If he express a desire to return the Colonial Secretary shall make arrangements accordingly, and shall provide the prisoner with subsistence money, at a rate to be approved by the Governor, until a vessel shall be leaving. If any prisoner as aforesaid shall express a desire not to return, or shall fail to avail himself of the first offer that shall be made to him of a return passage, he shall forfeit all claim to the benefit of the Provisions of this Section.

As to return passage of prisoner.



JAMAICA—LAW 6 OF 1885.

*Incorporated with
Law 9 of 1881
amended by Law 28
of 1887.*

The Escheat Law, 1881, Amendment Law, 1885.

[17th April, 1885.]

WHEREAS, under the present practice of granting Letters of Preference to prosecute proceedings in Escheat, the Governor, in cases in which he might be willing to grant such Letters to a person appearing to have a good claim to have the escheated land and tenements granted to him, has no means of ascertaining whether the applicant for such Letters has a good claim to the same, or whether some other person has not a better claim, and it is expedient in such cases to refer the question whether any and what person has a claim as aforesaid to the decision of the Judge before whom the Inquisition is held:—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—Any person desirous of obtaining Letters of Preference to prosecute proceedings in Escheat shall present a Petition for that purpose to the Governor, and in such Petition shall set forth the material facts on which he relies in support of his claim to have such Letters granted to him.

Petition for Letters of Preference.

2—When the Governor shall grant Letters of Preference as aforesaid he shall cause a note of such grant to be endorsed on the said Petition, and the Petition so endorsed together with the said Letters of Preference shall be presented to the Attorney-General for his fiat, and when that has been granted the said Petition and the said Letters shall be filed in the Court in which the proceedings are to be taken.

Proceedings thereon when Petition granted by the Governor.

3—Whenever Letters of Preference shall have been granted by the Governor as aforesaid the following Provisions shall apply:—

Proceedings to prosecute Escheat.

**Writ or Summons
in Escheat.**

- (1.) There shall be appended to the Writ or Summons in Escheat a note or memorandum to the tenor and effect that Letters of Preference to prosecute the proceedings have been granted to the person named therein.

**Service of Writ
and Petition.**

- (2.) A copy of such Petition shall be served along with the Writ on every person named therein.

**Inquiry as to Petitioner's claim to
grant of lands
when escheated.**

- (3.) If judgment shall be given for the Crown on the Writ or Summons, the Court shall, without a jury, proceed to enquire into the truth of the allegations contained in the Petition, with a view to determine whether the petitioner, or any other and what person, has, in the opinion of the Judge, a good claim under this Law to have the lands and tenements in question when escheated granted to him by the Crown.

**Powers of the
Judge on such in-
quiry.**

- (4.) It shall be lawful for the Judge to adjourn the hearing of any Petition from time to time as he may see fit, and to order copies of the Petition to be served upon any party not before him whom he may deem to be interested in the lands to which such Petition refers, and to hear such other persons in opposition to such Petition, and in support of any claim he may conceive himself to have to have the said lands granted to him.

**Principles on
which claims to
grants of escheated
land are to be
dealt with.**

4—In deciding that any person has a good claim to have the lands and tenements in question granted to him under this Law, the Judge shall be guided by the wishes of the person last seised, when the same can be ascertained.

When such wishes cannot be ascertained, the Judge shall consider whether any one or more of the parties before him stood in such a position towards the deceased that it became, in the opinion of the Judge, a moral duty on the part of the deceased to leave to such person or persons such estate as he might die possessed of.

**Report of Judge to
the Governor.**

5—At the termination of the enquiry, the Presiding Judge shall make a Report to the Governor, stating whether any and

what person has in his opinion established a good claim under this Law to have the lands in question granted to him, and shall set forth the grounds of his judgment. Or the Judge may report that no person in his opinion established a good claim as aforesaid.

6—If the Judge shall report as aforesaid in favour of the claim of any person, then on such Report being endorsed with the Governor's confirmation and approval, and filed in the Court in which the Inquisition was held, by or on behalf of such person, such proceedings shall be had and taken if necessary to give possession to the person in whose favour the Judge shall have reported as aforesaid, (who, after that the Report of the Judge has been confirmed and approved and filed as aforesaid is hereafter called the "Preferential Grantee") as if such person had succeeded in an action for the recovery of the land and tenements in question.

Proceedings after
Report for obtain-
ing possession.
By party found
entitled.

If the Judge shall report that no person in his opinion established a good claim as aforesaid, or if the Governor shall refuse to confirm and approve the Report of a Judge in favour of any person, then the like proceedings shall be had and taken to give possession to the Crown.

By the Crown.

7—In all cases in which Letters of Preference to prosecute any Escheat proceedings shall have been granted, the Court in which the Inquisition has been held shall, in giving final judgment for the Crown, in cases in which the person named in such Letters of Preference shall not be the Preferential Grantee, in and by such judgment declare and decide that the costs incurred by the person named in the Letters of Preference in prosecuting the Escheat proceedings (as distinguished from the costs, if any, incurred by him in support of his claim to have the said lands granted to him) shall, when taxed as between party and party, be a first lien or charge upon the lands and tenements in question, whether in the hands of the Crown or of the Preferential Grantee, and shall order that in case the amount of such costs shall for thirty days remain unpaid the escheated lands shall be sold under the direction of the Court, and the proceeds applied in payment first of the expenses attendant on such sale, and next of the costs aforesaid,

Final Judgment
for the Crown,
what it shall con-
tain as to costs.

and the surplus (if any) be rendered to the Crown or to the Preferential Grantee as the case may be.

Law 9 of 1881, Section 9, partially repealed.

8—So much of Section 9 of Law 9 of 1881 as provides that proceedings shall be had and taken to give possession to the person named by the Governor in any Letters of Preference granted by him shall be and the same is hereby repealed.

Rights of Preferential Grantee under the Report when confirmed in his favor.

9—On the filing of the Report of the Judge, endorsed with the approval and confirmation of the Governor as aforesaid, the Preferential Grantee shall be entitled to the same rights, and subject to the same obligations, under Law 9 of 1881 as if he were the person originally named in the Letters of Preference; and all rights and duties of the person named in the Letters of Preference in relation to the Escheat proceeding shall cease: Provided always that in cases where Letters of Preference have been granted, and the person named therein does not become the Preferential Grantee, and the Crown or the Preferential Grantee (if any) refuses or neglects to move for final judgment when entitled to do so, it shall be lawful for the person named in the Letters of Preference as aforesaid to move for the same on behalf of the Crown or of the Preferential Grantee (if any).

Incorporated with Law 9 of 1881.

10—Law 9 of 1881 and this Law shall be read and construed together as one Law.



JAMAICA—LAW 7 OF 1885.

The St. Mary Poor House Debt Law, 1885.

[17th April, 1885.]

WHEREAS in the years 1880 and 1882 advances, amount-
ing to £489, were made by the Government of this Island
from the Treasury to the Municipal Board of the Parish of St.
Mary for the purpose of building a poor house, on the under-
standing that the advance should be repaid, with interest at
the rate of five per cent. per annum, by annual instalments
out of the funds applicable in each year to the relief of and
medical attendance on the poor of the said Parish :—

Preamble.

And Whereas £310 7s. 6d. of the said principal sum has been
paid, and interest only up to the 30th day of September, 1884 :

And Whereas it has, since such payment of principal, been
held that the existing Law gives no power to a Parish to incur
a debt to be repaid in manner aforesaid, and it is necessary both
to authorise the making of the said advance, and to provide
means whereby the Parish of St. Mary may be enabled to
repay the outstanding balance of the same :—

Be it enacted by the Governor, with the advice and consent
of the Legislative Council of the Island of Jamaica, as fol-
lows :—

1—The making of the advance is hereby ratified and con-
firmed.

Advance con-
firmed.

2—Payment of so much of the said advance as now remains
unpaid, with interest from the date aforesaid and at the rate
aforesaid, shall be a first charge on the funds applicable from
year to year in the Parish of St. Mary to the support of and
medical attendance on the poor of the said Parish, until the
whole of it shall have been fully paid and satisfied.

Advance with in-
terest charged on
Poor Rate of St.
Mary's.



JAMAICA—LAW 8 OF 1885.

The Bankruptcy Law, 1879, Amendment Law, 1885.

*Incorporated with
Law 33 of 1879
x 21 of 1882*

[29th April, 1885.]

BE it enacted by the Governor, with the advice and consent Preamble.
of the Legislative Council of the Island of Jamaica, as follows :—

1—The Proviso to the Sub-clause of Section 92 of The Bankruptcy Law, 1879, which deals with goods and chattels in the possession order or disposition of the debtor, is hereby amended by inserting the word “not” between the words “provided that things in action other than debts due or growing due to him shall” and the words “be deemed goods and chattels within the meaning of this Section.” Law 33 of 1879,
Section 92 amended.

2—The next succeeding Sub-clause of the said Section is hereby amended by striking out the words “than his creditors under this Law.” Further amended.

3—Sub-section 1 of Section 122 of the said Law is hereby amended by inserting the word “not” before the word “exceeding.” Sec. 122 Sub-section
1 of said Law
amended.



JAMAICA—LAW 9 OF 1885.

18 Vic: ch: 31 sec 6
amended by this Law

The Shortening Act Amendment Law, 1885.

[29th April, 1885.]

WHEREAS it is apprehended that difficulties may arise Preamble.
from the Provision of Section 6 of the Act 18 Victoria,
Chapter 31, that certain words shall have a meaning not other-
wise assignable to them “ unless the contrary is expressly pro-
vided ” :—

Be it therefore enacted by the Governor, with the advice
and consent of the Legislative Council of the Island of Jamaica,
as follows :—

1—The said Section shall henceforth be read and construed
as if after the words “ unless the contrary is expressly pro-
“ vided ” there had been inserted in the said Section the words
“ or appears by necessary implication, or there be something
“ in the subject or context repugnant to such construction.” 18 Vic. Chap. 31
Sec. 6 amended.



JAMAICA—LAW 10 OF 1885.

The Emigrants' Protection Law, 1885.

[29th April, 1885.]

WHEREAS it is expedient, in certain cases, to regulate the emigration of young persons from this Island to certain Countries in which no proper provision exists for their protection :—

Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—It shall be lawful for the Governor, from time to time, to declare by Proclamation the Countries and Places to which the Provisions of this Law shall apply, and in the same manner to revoke any such Declaration.

Power to Governor to proclaim places to which this Law shall apply.

2—The Master of any ship or vessel, bound either directly or indirectly for any port in any Country or Place to which the Provisions of this Law apply, shall, on demand made by any Inspector or Sub-Inspector of Constabulary, or by any Constable deputed by any such Inspector or Sub-Inspector in writing for the purpose, furnish such Inspector, Sub-Inspector or Constable deputed as aforesaid, with a complete list of all passengers going by such ship, giving the names of all such passengers, and the Places to which they have respectively taken passages.

Duty of Master of a Ship bound to any proclaimed place.

If after furnishing such list any other person is taken on board such ship as a passenger by such ship, the Master shall, without any request made, furnish the local Inspector or Sub-Inspector of Constabulary with the name of such person, and the Place to which he has taken passage.

Powers for enforcing such duty.

When any demand as aforesaid has been made, any Officer of Customs shall be entitled to refuse a clearance to the ship on the Master of which such demand has been made unless such Master has complied with such demand, and further satisfies such Officer of Customs either that he has no passenger on board whose name was not included in the list furnished in compliance with such demand, or else that he has furnished the name and destination of any such person to the local Inspector or Sub-Inspector of Constabulary.

Penalty on Master of Ship evading such duty.

3—The Master of any ship or vessel as aforesaid on whom any such demand has been made as aforesaid, who shall clear out of any port or harbour of this Island having on board any passenger whose name has not been either included in the list furnished as aforesaid, or furnished to the local Inspector or Sub-Inspector of Constabulary as aforesaid, or the place of whose destination has not been truly stated as aforesaid, or who after receiving a clearance shall take on board any passenger whose name has not been included in the list or furnished as aforesaid, shall be guilty of an offence, and shall on conviction thereof before any two Justices forfeit and pay any sum not exceeding Ten Pounds.

Power to inspect and require production of passengers,

4—It shall be lawful for the local Inspector or Sub-Inspector of Constabulary at any port, or any Constable authorized by him in writing, to go on board any ship or vessel bound either directly or indirectly for any port in any Country or Place to which the Provisions of this Law apply, and require the Master to produce to him any passenger on board such ship who has taken passage from Jamaica, and any such Master who shall wilfully fail to comply with such requisition shall be guilty of an offence, and shall on conviction thereof before any two Justices forfeit and pay any sum not exceeding Five Pounds.

and removal of certain young persons

It shall also be lawful for the said Officer or Constable to cause to be removed from any such ship any young person who in his judgment is under sixteen years of age, and who is not shown to his satisfaction to be either

- (a) one of the ship's crew,
- (b) a passenger from some place beyond the limits of the Island,

- (c) bona fide bound for some Country or Place not being one to which the Provisions of this Law apply, or
- (d) furnished with a Permit under the Provisions of this Law.

5. It shall not be lawful for any person under the age of sixteen years, at any port or place in this Island, to embark on any ship bound for any Country or Place to which the Provisions of this Law apply, with a view to going to such Country or Place, without a Permit from the principal Officer of Constabulary at the port of embarkation.

Emigration of young person on ship bound to proclaimed place without permit prohibited.

6. Such Officer shall grant such Permit, without fee or reward, when he is satisfied that such person is going to such Country or Place,

Grant and refusal of permit.

- (a) accompanied by his lawful parents or guardians,
- (b) to rejoin his lawful parents or guardians, or
- (c) consigned to the care of responsible relatives.

In all other cases he shall refuse the said Permit.

7. Any person who shall obtain or attempt to obtain a Permit as aforesaid, either for himself or for any other person, by any false pretence, shall be guilty of a misdemeanour, and shall on conviction thereof be imprisoned, with or without hard labour, for any term not exceeding twelve calendar months.

False pretences to obtain permit, how punishable.

8. Any Officer of Constabulary granting any Permit as aforesaid shall furnish the Colonial Secretary with particulars of the same, shewing

Report as to permits granted.

- (a) the name of the person to whom it was granted,
- (b) the destination of such person,
- (c) the circumstances under which the Permit was granted.



JAMAICA—LAW 11 OF 1885.

*Incorporated with
Law 10 of 1881*

*A Law in Aid of and to Amend the Sale of Drugs and Poisons
Law, 1881.*

[29th April, 1885.]

WHEREAS it is desirable to amend Law 10 of 1881 :— Preamble.
Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—Section 18 of Law 10 of 1881, and Schedule A to the said Law, are hereby repealed ; but such repeal shall not affect the past operation of the said Law, or any consequences, penalty or proceeding, in respect of any offence committed against the said Law. Law 10 of 1881, sec. 18 and schedule A repealed.

2—In any prosecution under Section 4 of Law 10 of 1881 against any person for selling, or keeping open shop for retailing, dispensing or compounding, any Drug or Poison, without having first obtained a license under the Provisions of the said Law, it shall be sufficient to prove that the article sold or dealt with as aforesaid was represented by the defendant to be, or was sold as, or was apparently intended to resemble, a Drug or Poison (as the case may be) within the meaning of the said Law. What evidence sufficient in proceedings under Law 10 of 1881, sec. 4.

3—Clause 7 of the said Law is hereby amended by adding, after the word “Governor” in the fourth line, the words “except in the case of persons applying to be examined who have passed through a dispensing course at the Public Hospital of Kingston, who shall be admitted to examination without payment of any fee.” Sec. 7 of that Law amended.

Poison defined.
Schedule A.

4—Schedule A to this Law is substituted for Schedule A in the said Law, and the word “Poison” as used in the said Law of 1881 shall include the articles contained in Schedule A to this Law.

Precautions re-
quired in selling
Poisons generally;
and further re-
quirements as to
those named in the
first part of Sche-
dule A.

5—No person shall sell, dispense or deliver, to any person any Poison unless he distinctly marks and labels the box, bottle, wrapper or cover, in which such Poison is contained, with the word “Poison,” and with his name and address written or printed on such label, and no person shall dispense sell or deliver any Poison mentioned in the First Part of Schedule A to this Law unless it be—

(1.) In pursuance of the written order or prescription of some Registered Medical Practitioner, or in pursuance of the written order of some person licensed under this Law, or

(2.) In the presence of a witness who knows the purchaser, and who signs his name and address, as witness to the sale, in “The Sale of Poisons Book” mentioned in Section 19 of the said Law, before delivery.

Law 10 of 1881,
sec. 19 amended.

6—Section 19 of the said Law is hereby amended by adding, after the word “Poison” in the first line, the words “mentioned in the First Part of Schedule A,” and by adding the word “such” immediately before the word “Poison” in the second line and in the sixth line of the said Section.

Power to unlicensed
person to keep a
shop for retailing
Poisons with speci-
fied safeguard as to
management of
same.

7—In amendment of Section four of the said Law it is hereby provided that, anything in the said Section to the contrary notwithstanding, it shall be lawful for any person to keep a shop for retailing, dispensing, compounding or selling, any Drug or Poison, provided that he keep a person duly licensed under the Provisions of the said Law to personally superintend and manage the same.

This Law incorpo-
rated with Law 10
of 1881.

8—This Law and Law 10 of 1881 shall be read together as one Law, and may together be cited as “The sale of Drugs and Poisons Laws, 1881-1885.”

SCHEDULE A.—PART 1.

Arsenic, and its preparations.

Prussic Acid, and its preparations.

Cyanide of Potassium, and all Metallic Cyanides.

Strychnine, and its preparations.

Atropine, and its preparations, and all poisonous Vegetable

Alkaloids and their Salts.

Aconite, and its preparations.

Emetic Tartar.

✓ Corrosive Sublimate.

Cantharides, and its preparations.

Savin, and its Oil.

Ergot of Rye, and its preparations.

Croton Oil.

Nux Vomica, and its preparations.

Elaterium.

Vermin Killers that are preparations of Poisons which are enumerated above.

SCHEDULE A.—PART 2.

Chloroform.

Belladonna, and its preparations.

Essential Oil of Almonds, unless deprived of its Prussic Acid.

Opium, and its preparations.

Preparations of Morphine.

Preparations of Corrosive Sublimate.

Hydrate of Chloral, and its preparations.

Sulphate of Copper.

Subacetate of Copper.

Red Oxide of Mercury, commonly known as Red Precipitate of Mercury.

Ammoniated Mercury, commonly known as White Precipitate of Mercury.

Carbolic Acid.

✓ Nitric Acid.

Sulphuric Acid.

Hydrochloric Acid.

Oxalic Acid.

Vermin Killers, compounds containing Poisons if not subject to the Provisions in Part 1.



JAMAICA—LAW 12 OF 1885.

The Marriage and Registration (Cayman Islands) Law, 1885.

[29th April, 1885.]

WHEREAS it is expedient to extend to the Cayman Islands the Provisions of certain Laws of this Island:—

Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—The Marriage Law 1879 (Law 15 of 1879,) as amended by Law 11 of 1880, The Marriage Law Offences Law 1879, (Law 26 of 1879,) and The Registration Law 1881 (Law 13 of 1881,) as amended by Law 8 of 1882, and by Law 2 of 1885, shall be and the same are hereby, subject to the qualifications hereinafter contained, extended to the Cayman Islands as though the latter constituted a Parish, and formed part and parcel of this Island.

The Marriage and Marriage Officers Laws of 1879 and 1880, and the Registration Laws of 1881-1882 and 1885, extended to the Cayman Islands.

2—In construing the said Laws in the said Islands the following Provisions shall apply:—

But with the qualifications and provisions for construing the same set forth in this section.

- (a) The expression “Magistrate” in Section 47 of Law 15 of 1879 shall mean two Justices in Petty Court.
- (b) The “Summary Jurisdiction Acts” spoken of in Section 58 of Law 13 of 1881 shall mean the Laws in force for the time being in the Cayman Islands with reference to Summary Procedure.
- (c) Law 26 of 1879 shall continue to be in force in the Cayman Islands although it may have ceased to be in force in Jamaica.
- (d) All fines and penalties inflicted under any of the said Laws shall be paid and applied in the same way as

finer and penalties inflicted under other Laws of the said Islands are paid and applied.

- (e) The expenses of carrying the Registration Law into execution in the Cayman Islands shall in all cases be paid by the Treasurer of the Cayman Islands, out of monies to be provided for that purpose by the Justices and Vestry of the Islands; and the Registrar General, in case he shall be satisfied with the correctness of the quarterly account furnished to him in pursuance of Section 49 of the said Law by the Registrar appointed for the Cayman Islands, shall certify the correctness of the same, and thereupon the Registrar of the said Islands shall be entitled to be paid at the rate mentioned in the Section by the Treasurer of the said Islands, and no account of the said Registrar shall be paid unless so authorized.



JAMAICA—LAW 13 OF 1885.

The Inscribed Stock Law, 1885.

[6th May, 1885.]

WHEREAS it is expedient to provide for the creation of In- Preamble.
scribed Stock, and to enable this Colony to take advantage of the Provisions of an Act of the Imperial Parliament intituled "The Colonial Stock Act, 1877":—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—It shall be lawful for the Governor, whenever he desires to raise any sum or sums of money, being the whole or any portion of any sum which he may have been or shall be authorized to raise by way of loan, by any Law which may have been or at any time may be passed, and whether such Law provides that he shall raise the same by the issue of Debentures or otherwise, to raise the same or any part thereof by the creation and issue of Inscribed Stock under the Provisions of this Law. Such Stock shall be styled "Jamaica Inscribed Stock."

Power to Governor to raise by means of Inscribed Stock moneys which he may be authorized to raise by loan.

2—Such Inscribed Stock shall from time to time be issued in England, by the Crown Agents for the Colonies, upon the best and most favourable terms that can be obtained, and to such amounts and on such conditions, subject to the Provisions of this Law, as the Governor may before the issue thereof from time to time direct.

Inscribed Stock to be issued in England by the Crown Agents.

3—A Register shall be kept in London by the Crown Agents for the Colonies, at their Office, in which all such Stock shall be inscribed at the time of issue, and in which all transfers

Register of Inscribed Stock and of transfers thereof, &c.

of and dealings in such Stock, within the contemplation of an Act of the Imperial Legislature, the short title of which is "The Colonial Stock Act, 1877" (being 40 and 41 Victoria, Chapter 59), shall be registered, and in which shall be entered all matters and things which by the said Act are required to be entered on the Register.

Inscribed Stock
guaranteed by
Island Revenues.

4—The principal Moneys and interest, secured by the Inscribed Stock created under the Provisions of this Law, are hereby charged upon and guaranteed by, and shall be payable out of, the General Revenues and Assets of the Government of Jamaica.

Interest thereon.

5—Interest, at the rate of not exceeding four per cent. per annum, shall be payable on such Inscribed Stock half yearly, by the Crown Agents for the Colonies, on behalf of this Colony.

Redemption of In-
scribed Stock.

6—All the Inscribed Stock which may be created under the Provisions of this Law shall be redeemable at par by the Crown Agents, on behalf of the Colony, on a date to be named in that behalf by the Crown Agents when the Stock is first inscribed, such date not being later than fifty years from the date of issue. From and after that date all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Governor to remit
sufficient to pay in-
terest as it becomes
due,

7—So long as interest shall continue to be payable on any of the Inscribed Stock the Governor shall, in each half year ending with the day on which the interest on such Inscribed Stock falls due, appropriate, out of the General Revenues and Assets of the Colony of Jamaica, a sum equal to one half year's interest on the whole of such Inscribed Stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half year's interest on the day when it falls due.

And also a per-
centage on the In-
scribed Stock to
form a Sinking
Fund.

And the Governor shall, with the remittance aforesaid, remit also an additional sum for the formation of a Sinking Fund, equal to ten shillings per cent. on the whole of such Inscribed Stock:—Provided always that, in

the case of that portion of Inscribed Stock created and exchanged for Debentures, or issued in lieu of Debentures authorized to be issued by any of the Laws in the Schedule to this Law, which Debentures were subject to repayment by annual drawings, the said additional appropriation shall commence at the date at which the contribution to the Fund for the redemption of the Debentures as exchanged, or in lieu of which such portion of Stock was issued, would have commenced had the Debentures remained outstanding or been issued; and in the case of loans authorized to be raised by the issue of Inscribed Stock by any Law to be passed after the date of this Law, the said additional appropriation shall commence at the date specified for that purpose in the Laws authorizing such loans.

8—On the exchange for Stock under this Law of any Debentures issued under any of the Laws in the Schedule, the obligation imposed by those Laws respectively on the Governor to make remittances in respect of such Debentures shall cease; and such Debentures on being cancelled in manner hereinafter mentioned shall be regarded for all the purposes of the said Laws as if they had never issued.

On exchange of Debentures for Stock, the duty to remit in respect of such Debentures to cease.

9—The Crown Agents shall, for the purpose of forming such Sinking Fund, from time to time invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half year, and the dividends interest or produce of such investments, in the purchase of such Debentures, Stock or other security, as may from time to time be approved by Her Majesty's Principal Secretary of State for the Colonies, and may from time to time, with the like approval, change any such investment, and shall hold such Fund in trust for repayment of the principal moneys for the time being secured by the Inscribed Stock.

Creation of Sinking Fund.

Trust on which same to be held.

In case the said Sinking Fund shall be insufficient to provide the necessary funds for the redemption of any Inscribed Stock when the same shall have become due, the deficiency shall be made good out of the general Revenues and Assets of the Colony, and the Governor shall remit to the Crown Agents for the Colonies sufficient funds to make good the deficiency.

Provisions in case it prove insufficient to redeem the Stock.

Expenses payable
out of Sinking
Fund.

10—All expenses of or incidental to the management of the Sinking Fund, or to the repayment of the principal moneys borrowed, shall be paid out of the Sinking Fund.

Powers of the Go-
vernor for conver-
sion of Debentures
into Stock.

11—The Governor shall also have and may exercise the following powers and authorities, or any of them :—

- (a.) He may from time to time declare all or any of the existing Debentures of the Colony of Jamaica, issued under any of the Laws enumerated in the Schedule to this Law annexed, to be convertible into Inscribed Stock, of such denominations and on such conditions as he may before the creation thereof from time to time determine.
- (b.) He may authorise the creation and issue of such an amount of Inscribed Stock in exchange for the Debentures held for such loans as may be necessary.
- (c.) Any conversion so authorized may be effected, either by arrangement with the holders of existing Securities, or by purchase thereof out of moneys raised by the sale of the Inscribed Stock, or partly in one way and partly in the other.
- (d.) Any power by this Section conferred on the Governor may be exercised from time to time; and he may alter any conditions as often as occasion shall require, provided that no contract or engagement previously entered into shall be prejudicially affected thereby.

No charge in respect
of any loan to be in-
creased.

Exceptions.

12—Nothing in this Law contained shall authorize an increase of the capital or of the annual charge on any loan, except—

- (a) When the Debentures exchanged for Inscribed Stock bear a higher rate of interest than the Inscribed Stock, an additional amount of Inscribed Stock may be created and issued to make up the difference in saleable value between the Debentures and the Inscribed Stock,—
- (b) In the case of the conversion of Debentures into Inscribed Stock, the Crown Agents shall issue such an

amount of Inscribed Stock as may be required to defray the stamp duties and all other expenses incidental to the conversion.

13—The Crown Agents may from time to time, at the request of the Governor, make arrangements for all or any of the following things :—

Powers of the Crown Agents as to certain details.

- (1.) For inscribing Stock in the Register to be kept as aforesaid.
- (2.) For managing the creation, inscription and issue, of Inscribed Stock.
- (3.) For effecting the conversion of loans into Inscribed Stock.
- (4.) For paying interest on Inscribed Stock, and managing transfers thereof.
- (5.) For issuing Inscribed Stock certificates to Bearer, and, as often as occasion shall require, reissuing or reinscribing Stock, and reissuing Inscribed Stock certificates.

14—The Debentures exchanged, or otherwise converted into Inscribed Stock, shall be forthwith cancelled by the Crown Agents, and transmitted to the Government of Jamaica.

Cancellation of Debentures when exchanged or converted.

SCHEDULE.

Law 12 of 1879.

Laws 8 and 17 of 1880.

Law 19 of 1880.

Law 17 of 1884.



JAMAICA—LAW 14 OF 1885.

The Wreck and Salvage Law (Turks and Caicos Islands), 1885.

[8th May, 1885.]

WHEREAS the Wreck and Salvage Law, 1875, as applied Preamble.
to the Turks and Caicos Islands, requires amendment
so far as regards its operation in those Islands:—

Be it enacted by the Governor, with the advice and consent of
the Legislative Council of the Island of Jamaica, as follows:—

1—This Law shall only apply to the Turks and Caicos Local limitation of
this Law.
Islands.

2—The Wreck and Salvage Law, 1875, and this Law shall Law 14 of 1875 in-
corporated.
be read and taken together as one Law.

3—It shall be lawful for the Receiver of Wreck for the Power to Receiver
of Wreck to ap-
point Deputies for
distant places.
Caicos District from time to time to appoint, by writing under
his hand, some fit and proper person to act as his Deputy on the
several distant Cays and outlying settlements within his District,
and any such appointment at any time to cancel and annul.

4—It shall be lawful for a Receiver or any Deputy Receiver Power to Receiver
or Deputies to ap-
point Deputy in
special circum-
stances.
appointed under the next preceding Section, when he is physi-
cally unfit to proceed himself to the scene of any casualty
within his District, to appoint a Deputy specially to act for
him there on that particular occasion.

5—Any person acting as Deputy-Receiver under the third Powers of Deputy
Receivers.
and fourth Sections of this Law may do all matters and things
by the said Law authorized to be done by the Receiver, with
the same exception as is imposed by the ninth Section of the
said Law in the case of certain officers therein mentioned act-
ing as the Receiver, and he shall receive such reward as the
Commissioner may determine.

Proportion of Salvage remuneration payable to owner of unregistered boat.

6—The owner of every unregistered boat that shall have performed salvage services shall be entitled to receive in respect of such boat one-third part of the salvage remuneration awarded to such boat and crew, unless an agreement has been entered into with the crew by which some other scale of distribution has been agreed upon, and has been lodged at the Custom House previous to such boat proceeding to the Wreck.

Prohibitions as to cargo of Wreck, and rigging and other equipage of same, and the hull.

7—It shall not be lawful for any person employed in saving property from a wrecked vessel to break, open, cut, chop, or otherwise purposely injure, any package of the cargo or lading of such Wreck for the purpose of ascertaining the contents thereof, but every part of the lading of such wrecked vessel, and of all other property on board of or belonging to such Wreck, shall be saved, if practicable, in the state and in the order in which the same may be found or may come to hand; nor shall it be lawful for the cables and anchors attached to any such vessel to be removed therefrom, or the lower masts and standing rigging, or the tackles, blocks, and other portions of the gear necessary to facilitate the removal and preservation of the cargo, be cut away or removed until such cargo shall have been saved, except by the consent of the Master or his Agent, or by order of the Receiver of Wreck, and then only when the vessel has been declared by either of the aforementioned persons to be a total Wreck, nor shall any hull be left without being secured by one large anchor, and at least fifteen fathoms of chain attached.

How property salvaged to be dealt with.

8—All property salvaged from any vessel wrecked or stranded or in distress shall be brought as soon as possible to Grand Turk, unless otherwise previously sanctioned by the Commissioner, and delivered to the Receiver of Wreck, who shall cause all such property to be deposited in the Government warehouse, except such as for any special circumstances may remain in the hull of the vessel at the time of the sale.

Provisions as to sale of salvaged property.

9—It shall not be lawful for the Master or Agent of any vessel wrecked, stranded or in distress, within these Islands to dispose of any property within these Islands except at Public Auction, on a day to be fixed by the Receiver of Wreck, which must not be until twenty-four hours after the salvage award

has been made, except when goods are damaged or are of a very perishable nature: Provided nevertheless that when there shall be an appeal from the decision of the Supreme Court of these Islands to the Vice-Admiralty Court of Jamaica respecting such salvage, as hereinafter provided for, it shall be lawful for the Receiver of Wreck, upon security being given to his satisfaction that the proceeds of such sale shall within thirty days be deposited by the Agent in the public chest of these Islands until the final settlement of such salvage, to name a day on which such property may be disposed of at Public Auction by such Master or Agent.

10—Notwithstanding anything to the contrary in the said Law contained, all claims for salvage services arising within the Turks and Caicos Islands shall be settled in the following manner, and not otherwise; and no agreement as to any such claim shall be binding, nor shall any award unless made under the Provisions of this Section:—

How claims for Salvage services to be settled.

- (1.) The Master of every vessel which shall be entitled to salvage remuneration for services rendered to any ship or boat stranded or otherwise in distress within these Islands, either in assisting such ship or boat, or in saving the lives of the persons belonging to such ship or boat, or in saving the cargo or apparel of such ship or boat, shall within forty-eight hours after either his arrival at Grand Turk or the final performance of the salvage services, deliver to the Receiver of Wreck at Grand Turk, or the Receiver at any other port within these Islands at which the Commissioner may have allowed the property to be landed, a statement in the Form in the Schedule hereto annexed marked A, showing the name of the vessel rendering the service, the names of the crew, and the nature of the property in respect of which such services have been rendered by such vessel; and if the Master of any vessel shall neglect to send in such claim as herein provided, the right of such vessel and crew to salvage shall be forfeited.

Time limit for sending in claims.

Particulars to be inserted in claims.

Schedule A.

- (2.) The Receiver of Wreck, upon receipt of any claim for

Constitution of

Court for dealing
with claims.

salvage, shall apply to the Stipendiary Police Magistrate, who shall upon such application summon before him the salvors claiming remuneration, and the Master or Agent of the ship or cargo in respect of which the salvage services have been rendered; and such Police Magistrate, together with an associate Justice to be nominated by the Commissioner for that purpose, after hearing such evidence as either party may adduce, shall determine the amount of salvage to be awarded, and such associate Justice shall receive remuneration for his services at the rate of One Pound per day.

Award final if not
exceeding £200, but
otherwise may be
appealed from.

- (3.) When the amount awarded by the Police Magistrate and such associate Justice shall not exceed Two Hundred Pounds such decision shall be final; but when the same shall exceed Two Hundred Pounds it shall be lawful for either party to appeal from such decision to the Supreme Court of these Islands: Provided however no such appeal shall be allowed unless the Appellant, within two days after the date of the award, gives notice in writing to the Police Magistrate of his intention to appeal, nor unless the Appellant proceeds within ten days to file a petition of appeal in the office of the Prothonotary of the Supreme Court.

Pre-requisites on
appeal.

Setting down appeal
for hearing.

- (4.) Whenever a petition of appeal shall be filed, the case shall be set down for hearing with as little delay as possible, and in such manner as the Judge of the Supreme Court, upon motion made before him, shall order.

Ultimate right of
appeal to Vice-Ad-
miralty Court of
Jamaica.

- (5.) If either of the parties in any such case of appeal as aforesaid shall not rest satisfied with the decision of the Judge of the Supreme Court, it shall be lawful for such party to appeal from such decision to the Vice-Admiralty Court of Jamaica, according to the Provisions of Section 29 of Law 14 of 1875.

Certified copies of
proceedings ap-

- (6.) Whenever any appeal is made in manner hereinbefore provided, the Police Magistrate or Prothonotary,

as the case may be, shall transmit to the proper Officer of the Court to which the appeal is made a copy, certified under his hand to be a true copy, of the proceedings had before such Judge or Police Magistrate and associate Justice, and of the decision or award appealed from, accompanied with a certificate in writing of the gross value of the property respecting which salvage is claimed, and such copy and certificate shall be admitted as evidence in the cause.

pealed from to be transmitted to Appellate Court.

11—Within twenty-one days after the rate and amount of any salvage shall have been settled, the Receiver shall cause to be exhibited at the Custom House a statement, showing the amount of salvage awarded, with the particulars and in the Form given in the Schedule to this Law annexed marked B, and setting forth the day when the salvage will be distributed. All awards for salvage shall be paid by the Agents of any vessel to the Receiver of Wreck, who will distribute the same amongst the owners and agents of salving boats, unless specially directed in writing by individual salvors to do otherwise with their respective shares.

Publication of award, and notice of time of distribution.

Schedule B.

12—Any person infringing any of the Provisions of Sections 7, 8 or 9 of this Law shall, on conviction, be liable to a penalty not exceeding Fifty Pounds, together with forfeiture of all salvage earned or to be awarded, or shall be imprisoned for any term not exceeding six months.

Penalty on breach of Sections 7, 8 or 9.

13—Any person convicted before the Supreme Court of the Turks and Caicos Islands of a larceny at a Wreck shall, in addition to any term of imprisonment, be prohibited from receiving salvage, or working at any wreck, for such period, of not less than two years or more than seven years from the date of his release from prison, as the Court may order on the committal of the offender.

Disabilities of persons convicted of larceny at a Wreck.

14—It shall be lawful for the Commissioner of the Turks and Caicos Islands to make Rules and Regulations, and from time to time to alter and amend the same, for the guidance of Receivers of Wreck and Salvors, and for regulating the proceedings in cases of Wrecks and casualties within the said

Power to make Rules and Regulations.

Islands; and such Rules, and any alteration or amendment of the same, shall be submitted for the confirmation of the Legislative Board of the said Islands before they shall become operative.

Powers of Stipendiary Police Magistrate.

15—The authority vested in District Court Judges under Law 14 of 1875 shall within the said Islands be exercised by a Stipendiary Police Magistrate.

Enforcement of Penalties.

16—All proceedings for the enforcement of penalties within the said Islands under this Law, or under the Rules which may from time to time be made under the authority of this Law, shall be heard and determined in the same manner as proceedings for penalties may be tried under Section 46 of Law 14 of 1875.

SCHEDULE A.

SALVAGE CLAIM

against ship of
Master.

Name of Salvaging Vessel.	Name of Master and Crew.	Description of Property Salvaged.
<i>Sloop A</i>	<i>A. B. Master</i>	<i>(Provisions).</i>
	<i>C. D. Mate</i>	<i>(Dyewoods).</i>
	<i>E. F.</i>	<i>(Ship's Materials).</i>
	<i>G. H.</i> } <i>Seamen</i>	

(Sgd.)

A. B.

Master.

Sloop A.

SCHEDULE B.

**Amount and Distribution of Salvage of Ship
of Master.**

SALVAGE AWARDED

On Cargo £ _____ } (or per centum as the case
On Material £ _____ } may be).
Total amount of } £ _____
Salvage. }

DISTRIBUTION.

Name of Master.	No. of Crew in- cluding Master.	Total Salvage for each Vessel.	Proportion.		Value of single share.
			Vessel.	Crew.	



JAMAICA—LAW 15 OF 1885.

*Incorporated with
Law 48 of 1869.*

*A Law further to Amend Law 48 of 1869, entitled "A Law to
Regulate Juries."*

[8th May, 1885.]

WHEREAS difficulty is experienced in warning jurors for the several Courts of this Island, in consequence of the insufficiency of the information required to be furnished, under Section 3 of Law 48 of 1869, as to the residence or place of abode of the persons whose names are settled on the jury list :—

Preamble.

Be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :—

1—In addition to the particulars of name, title, quality, calling or business, of every person qualified and liable to serve on juries, required to be furnished by the Clerks of the several Municipal Boards in the lists which they are required to make up and transmit to the Registrar of the Supreme Court on or before the 20th day of April in each year, the Clerk of each Municipal Board shall state the District and residence or place of abode of every person on such list according to the best information which he has, or is able to procure.

Additional particulars to be furnished to Registrar of Supreme Court.

2—This Law and Law 48 of 1869, shall be read as one Law.

*Incorporated with
Law 48 of 1869.*



JAMAICA—LAW 16 OF 1885.

The Parochial Boards Law, 1885.

[19th May, 1885.]

WHEREAS it is expedient to provide for the constitution of Municipal Boards by the election of Members thereof, instead of by their appointment by the Governor as heretofore, and also for vesting in the said Boards the functions heretofore vested in the Parochial Roads Commissioners for the several Parishes, and also for altering the name and style of such Boards :—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—The Members of the Municipal Boards for the several Parishes, and the several Chairmen thereof, and the several Parochial Road Commissioners, and the several Chairmen of Boards of Parochial Road Commissioners, who have been or shall be appointed by the Governor under the Provisions of Law 8 of 1866, and whose term of office would but for this Provision cease on the 31st day of December, 1885, shall cease to hold their respective offices by virtue of such appointment on the 30th day of September, 1885.

2—From and after the said 30th day of September, 1885, the several Municipal Boards throughout the Island shall be styled respectively "The Parochial Board for the Parish of ———;" and such Boards shall be composed and constituted respectively of the Custos of the Parish, the Member of Council for the Electoral District constituted by the Parish or of which the Parish forms part, (provided that such Member is re-

See Amendment Law 9 of 1886

Secs: 12 to 34 inclusive repealed by Law 9 of 1886

Incorporated with Law 40 of 1887

Incorporated with

Preamble. Law 28 of 1888

All appointments as Members of Municipal Boards or Parochial Road Commissioners determine on 30th September, 1885.

Names of Municipal Boards changed. Corporate name. Constitution of the Parochial Boards.

Law 8 of 1866 Sections 31 to 42 and 44, 45 and 46, repealed.
Special Provision as to Kingston.

gistered as a Voter at Elections of Members to serve in the Legislative Council in respect of a qualification arising within the Parish,) and of such number of Members, not less than nine and not more than fifteen, elected for the several Divisions of the Parish (as hereinafter provided), as the Governor in Privy Council may in the case of each Parish determine; and from and after the said day Sections 31 to 42, both inclusive, and Sections 44, 45 and 46, of Law 8 of 1866, shall be and the same are hereby repealed: Provided always that such repeal shall not affect the validity of anything already done under or by authority of the said Sections: Provided that the above Provisions as to the Custos of the Parish and Member for the Electoral District being Members of the said Board, and as to the limitation of the number of the elected Members shall not apply to the City and Parish of Kingston, but the Board of such Parish shall consist of eighteen Members elected for the several Divisions of the said Parish as aforesaid.

Corporate powers.

The Parochial Boards constituted and composed as aforesaid shall, within their respective Parishes, be deemed to be to all intents and purposes the successors of the Municipal Boards and of the Boards of Parochial Road Commissioners as at present constituted, and shall be and the same are hereby created corporations by their said respective names, and each of them shall be entitled to make contracts, and to sue and be sued, implead and be impleaded, in such name, and to have a common seal, and to acquire, hold and dispose, of Real and Personal Property.

After 30th September, 1885,

3—From and after the 30th day of September, 1885, the following Provisions shall take effect:—

Powers, duties, &c. of Municipal and Road Boards transferred to Parochial Board.

(a.) All the powers, functions and duties, at present vested in or exercised by the Municipal Boards and Parochial Road Commissioners of any Parish shall be vested in and exercised by the Parochial Board of such Parish to be constituted as aforesaid.

Transfer of Parochial Real Estate,

(b.) And all lands, tenements and hereditaments, which shall then be vested in the Colonial Secretary, the Churchwardens, the several Municipal Boards or the Parochial Road Commissioners, in trust for any Parish

shall become vested and be the property of the Parochial Board of such Parish constituted under this Law, to the use of the Parochial Board of such Parish and their successors, upon such and the same trusts, and with and subject to such and the same powers, provisoes and declarations, and for the same purposes, as the same were held by the Colonial Secretary, the Churchwardens, the Municipal Board or the Parochial Road Commissioners of such Parish, or such of them as shall be then subsisting and capable of taking effect.

- (c.) And all parochial moneys, stock, plant, tools, materials, furniture, books of accounts or other property, then vested in the Colonial Secretary, the Churchwardens, the Municipal Board or the Parochial Road Commissioners of any Parish, shall become vested in and be the property of the Parochial Board and their successors of such Parish respectively. and personalty,
- (d.) And all contracts, covenants, agreements, bonds or obligations, whatsoever relating to Parochial Property and matters, made and entered into by any person or persons whomsoever with the Colonial Secretary, the Churchwardens, the Municipal Board or the Parochial Road Commissioners of any Parish, or their respective Chairmen, shall be deemed to be contracts, covenants, agreements, bonds and obligations, made or entered into with the Parochial Board of such Parish, and their successors, and shall be exercised and enforced accordingly. and contracts and obligations relating to Parochial property and matters.
- (e.) And all Laws, orders, deeds or rules, relating to Parochial Property and matters, made before such date wherein the Colonial Secretary, the Churchwardens, the Municipal Board or Parochial Road Commissioners of any Parish, are mentioned or referred to, shall be read as if the Parochial Board of such Parish so constituted under this Law was therein mentioned instead of the Colonial Secretary, the Municipal Board, the Churchwardens or Parochial Road Commissioners, as the case may be. Construction of previous Laws, orders, deeds and Rules, relating to Parochial property and matters.

Present Clerks of Municipal Boards to continue as Clerks of Parochial Boards.

4—Any person who at the time of the passing of this Law shall hold the office of Clerk to a Municipal Board shall, notwithstanding the change made by this Law in the constitution and style of such Board, continue to serve as Clerk to the Parochial Board, and to enjoy all rights as a public officer, both as respects salary and pension, as if the change made in the constitution and style of such Board by this Law had not been made ; but should any such Clerk, or any Clerk to be hereafter appointed under the Provisions hereinafter contained, fail or neglect or refuse to perform the duties of his office, or should he, in the opinion of the Board, be unfit or incompetent to discharge the duties of his office, it shall be lawful for the said Board by a minute or order to suspend such Clerk, and he may be removed from office or otherwise dealt with as the Governor in Privy Council may determine :

Powers of suspension and removal.

Subsequent appointment of Clerks.

Provided that on any vacancy occurring in any Parish after the said 30th September, 1885, in the office of Clerk to the Parochial Board, arising from the removal, death, resignation or departure from the Island or Parish, of any person now holding the office of Clerk, the Provisions of Section 49 of Law 8 of 1866 shall cease to apply to such Parish, and it shall be lawful for the Parochial Board of such Parish to appoint their own Clerk on such terms as to services, and remuneration to be paid by such Board, as the said Board may determine.

Elections of Members of Parochial Boards.

First Election, when.

5—The first Election of Members of Parochial Boards under this Law shall take place in each Division (as hereinafter provided) of each Parish on such day or days, between the eighth and fifteenth days of September, 1885, both inclusive, as the Governor may in the case of each Parish direct.

General Election, triennial.

A general Election of Members shall take place in each Parish in every third year on a day to be fixed as aforesaid.

Special Elections to fill casual vacancies.

An Election to supply any casual vacancy in any Division shall be held on such day as the Chairman of the Board for the time being shall direct. The day to be appointed as aforesaid shall be within one month of the vacancy being entered on the Minutes of the Board.

Appointment of

6—For the purpose of the first Election, the Governor shall

appoint some place within each Division of a Parish as the place where the Election for such Division shall be held.

places for Elec-
tions. See Sec 2 of
Amendment Law
1888.
First Election. Kings to take place at
Subsequent Elec-
tions. Southall
in the place of

Subsequent Elections for any Division shall be held at such place within such Division as may be appointed for the purpose by an order to be made from time to time by the Parochial Board of the Parish.

7—In every case in which an Election is to be held, notice thereof shall be given, by the person whose duty it is to conduct such election as Returning Officer, by notification in the Jamaica Gazette, and by affixing notices on the outer doors of Court Houses and Police Stations throughout the Parish in a Division of which any Election is to take place, at least seven clear days before the day fixed for the Election.

Notice of Elec-
tions.

8—For the purpose of holding any general Election of Members to constitute a Parochial Board after the passing of this Law, the Governor shall from time to time appoint a Returning Officer or Officers to conduct such Election, and such Returning Officer or Officers shall make his or their return to the Governor, who shall cause the names of the persons so elected to be published in the Jamaica Gazette.

Returning Officers
for General Elec-
tions; Repealed by Sec 3 of
Amendment Law

In the case of casual vacancies the Chairman of the Parochial Board for the time being shall be the Returning Officer, and shall make his return to the Municipal Board, and shall cause the name or names of the person or persons elected to be published in the Jamaica Gazette.

for Elections to
supply casual va-
cancies.

9—For the purposes of this Law, every Parish shall be divided into such number of Divisions, not less than three and not more than six, as the Governor in Privy Council may determine. And each such Division shall have such boundaries as may in like manner be determined.

Electoral Divi-
sions.

Any order of the Governor in Privy Council under this Section shall be made on or before the twenty-fifth day of June next after the passing of this Law, and shall be laid before the Legislative Council at its first Session next after the making thereof.

Time limit for
determining same.

Number of Members for each Division.

10—Each Division determined and bounded as aforesaid shall return such number of Members to serve in the Parochial Board of the Parish in which it is situate as the Governor in Privy Council may determine.

Electors for each Division.

11—The Members for any Division as aforesaid shall be elected by the persons for the time being on the Register of Voters for such Division.

Electoral Register of each Division.
Who entitled to be included therein.

*Repealed by Rye Urban San.
9/1886 Sec 40.*

12—Every person whose name shall be settled in any year on the Register of Voters for any Electoral District constituting one Parish, or, in the case of an Electoral District comprising more than one Parish, on the Register of Voters for such District in respect of a qualification arising within one or other of such Parishes, shall be entitled in each year to have his name inserted on the Electoral Register for a Division of the Parish from which such qualification arises: Provided that he is the occupier, as owner or tenant, of a house or land within such Division, and has been rated or assessed to rates or taxes in respect of the same, or that he ordinarily resides within such Division: Provided further that no person shall be registered under this Law for more than one Division in the same Parish.

Proviso against the same Voter being included in the Registers of two Divisions of the same Parish.

If any person is entitled to be registered under this Law alternatively in more than one Division, he shall be entitled to elect for which of such Divisions he will be registered, by giving notice of such election in manner hereinafter provided, and failing such notice the officer charged with the revision and settlement of the Register shall elect for him.

"Clerk to the Municipal Board" defined.

13—Where, in the following Sections of this Law relating to the Registration of Voters, the Clerk to the Municipal Board is spoken of, the Clerk to the Parochial Board shall be deemed to be meant from and after the time that the Parochial Boards shall have become the successors of the Municipal Boards under the Provisions of this Law.

Electoral Lists of Voters for each Division.
How and by whom and when to be

14—With a view to the settlement of the Register of Voters for each Division of a Parish under this Law, the Clerk of the Municipal Board shall, on or before the fifth day of July in every year, make out from List A, required to be published by

Section 25 of the Registration of Voters Law, 1884, a List for each Division of the Parish, comprising in such List the name of every person entitled to be registered as a Voter for the same. made out and published.

The name of any person possessed of a qualification in more than one Division, and not previously registered for any Division under this Law, shall be inserted in the List for each Division in which alternatively he is entitled to be registered, but a mark shall be made against the name of any such person to denote that his name has also been inserted on the List for another Division. In the case of any such person who has been previously registered as a Voter for any Division, his name shall in succeeding years, so long as he continues to be qualified as a Voter for such Division under this Law, be inserted on the said Lists as a person entitled to be registered as a Voter for such Division.

The said Clerk shall on or before the fifth day of July in each year publish copies of the said Lists, in manner required by the said Section 25 of the Registration of Voters Law, 1884.

Each such list shall be headed "List of persons appearing to be entitled to be registered under the Parochial Boards Law, 1885, as Voters for the Division of _____ in the Parish of _____."

The names of such persons in List A aforesaid, as to whom the said Clerk feels himself unable to determine in what (if any) Division they are entitled to be registered, shall be included in a supplementary List to be headed "List of persons as to whom it is uncertain in what Division, if at all, they are entitled to be registered under the Parochial Boards Law, 1885." Supplemental Lists of persons whose rights are uncertain.

15—To the Lists aforesaid shall be appended a notice to the tenor and effect following (that is to say) :— Public Notice to be appended to each List.

"Courts will be held
 "at _____ on the _____ day of _____
 "at _____ on the _____ day of _____
 "at _____ on the _____ day of _____
 "for the settlement of the Register of persons entitled to

“ be registered under the Parochial Boards Law, 1885, as
“ Voters for the several Divisions of the Parish of

“ Every person whose name appears on one and only one
“ of the above Lists of persons appearing to be entitled to
“ be registered under the Parochial Boards Law, 1885, as a
“ Voter for any Division will be settled on the Register of
“ Voters for such Division without any application or stir
“ on his part, provided he is not objected to, and that his
“ name is settled on the Register of Voters for the Electoral
“ District of

“ Every person whose name appears on more than one of
“ the above lists will likewise be entitled to have his name
“ settled on the Register of Voters for one of such Divi-
“ sions, as he may elect, or, in the event of his not exercis-
“ ing his election, as the officer charged with the settlement
“ of the Register may determine, provided that he is not
“ objected to, and that his name is settled on the Register
“ of Voters for the Electoral District of

“ If he is objected to, either altogether or as a Voter for
“ the particular Division for which his name appears above,
“ due notice of such objection will be given to him, and of
“ the time and place when and where he will have to attend
“ if he wishes to be heard in support of his right to have
“ his name settled on the Register of Voters for the Division
“ for which it appears above.

“ Every person qualified to be registered under the
“ Parochial Boards Law, 1885, as a Voter for any Division
“ of this Parish may object that any person, whose name
“ appears above as that of a person appearing to be entitled
“ to have his name settled on the Register for any Division,
“ is not entitled to have his name settled on the Register
“ for that Division, but for some other or not at all, by for-
“ warding to the Clerk of the Municipal Board of the
“ Parish, so that the same may reach him on or before the
“ seventeenth day of July next, a notice of such his objec-
“ tion, in a form which may be procured at any Police
“ Station within the Parish.

“ Any person whose name is put on more than one of
“ the above lists as a person appearing to be entitled to
“ be registered under the Parochial Boards Law, 1885, in
“ more than one Division, who may desire to elect on the
“ Register for which Division his name shall be settled,
“ should apply personally or by letter to the Clerk of the
“ Parochial Board on or before the twentieth day of July
“ next, or failing such application he must apply personally
“ to the District Court Judge at one or other of the Courts
“ appointed to be held as aforesaid for the revision and
“ settlement of the Register, and in the event of any
“ such person not making his election as aforesaid the Dis-
“ trict Court Judge will in his discretion determine the
“ Division for which he shall be registered.

“ Any person whose name appears in the supplementary
“ List, above set forth, of persons as to whom it is uncertain
“ in which Division, if at all, they are entitled to be regis-
“ tered, and any person whose name does not appear on any
“ of the above Lists but who claims nevertheless to be entitled
“ to be registered for one or other of the Divisions of the
“ Parish, and any person who claims to be registered in
“ some Division other than that for which he appears in
“ the above Lists, must apply in like manner personally or
“ by letter to the Clerk of the Parochial Board on or before
“ the twentieth day of July next, or he must apply per-
“ sonally to the District Court Judge at one or other of the
“ Courts appointed to be held as aforesaid for the revision
“ and settlement of the Register.”

16—The notice of objection above referred to shall be to **Notice of objec-**
the tenor and effect following :— **tion.**

“ To A. B., Clerk to the Parochial Board of the Parish **Form of.**
“ of

“ Take notice.—That I, the undersigned, intend to ob-
“ ject, at the Court to be holden at
“ on the day of
“ to the name of
“ being settled on the Register of Voters for the Division

"of _____ in the
 "said Parish on the ground that (*here state the ground*
 "of objection)."

(Sgd) A. B. of

Forms of such notice shall be kept at all Police Stations,
 and shall be given by the Constable in charge to any
 person applying for the same.

Notice of claim.

17—The notice of claim above referred to shall be to the
 tenor and effect following:—

Form of.

"To A. B., Clerk of the Parochial Board of the Parish
 "of

"Take notice—That I, C.D., intend to claim, at the
 "Court to be holden at
 "on the _____ day of
 "to have my name settled on the Register of Voters for
 "the Division of _____ in the said
 "Parish, and that my name, address, description, and the
 "qualification in respect of which I claim, are as follows:—

Surname.	Christian Name.	Place of Residence.	Postal Address.
Calling or Occupation.		Nature of Qualification.	

"And I hereby declare that I am now entitled to be re-
 "gistered as a Voter under the Register of Voters Law,
 "1884, as a Voter for the Electoral District of
 "_____ in respect of a qualification
 "arising within the said Parish of _____."

(Sgd) C. D.

18—The Clerk of the Municipal Board shall examine into any claim as aforesaid, and shall if he deems it necessary give notice thereof to every Collector or Sub-Collector of Taxes within the Parish, and each Inspector or other principal Officer of Constabulary within the Parish, who shall proceed to investigate the same, and be prepared, if necessary, to contest the same at the Court at which the claim is to be made.

Examination into the claim.

19—The Clerk of the Municipal Board, on receipt of any notice of objection, shall cause notice thereof to be served on the person objected to, five days at least before the holding of the Court at which the same is to be dealt with.

Notice to party objected to.

20—Every notice of objection shall be dealt with at the Court named therein, and every claim at the Court named in the notice of such claim.

Dealing with objections and claims.

21—Service of any notices required by this Law to be served on any party shall be effected in the same way as service of process issuing out of any Court of Petty Session, and may be proved in like manner.

Service of Notices under this Law.

For the purposes of such service the place of residence of any person named in any notice of claim, or in any list published under this Law, shall be taken to be the last or most usual place of abode of such person; and if such place of residence be found vacant, service may be effected by affixing the notice to be served to the outer door of such place.

22—At each Court holden for the revision and settlement of the Register for any Electoral District pursuant to "The Registration of Voters Law, 1884," the Judge charged with the revision and settlement of the Register shall, at the close of each day's proceedings, as prescribed by Section 34 of the said Law, proceed with the settlement of the Register under this Law for the several Divisions of the Parish in which he is holding his Court.

Procedure before the Court for settlement of Registers under this Law.

He shall take the lists for the several Divisions of the Parish, prepared and published under the Provisions of this Law, and deal with the same under the following heads—(a) Objections; (b) Claims and Elections.

Objections.

OBJECTIONS.—The Judge shall call upon each person who has given notice of objection, and who in such notice has named the Court which the Judge is then holding as the Court at which the objection is to be made, to come forward and substantiate his objection, and shall, on the appearance of the person objected to or of some person on his behalf, or in the event of his non-appearance on due proof of the service of the notice of objection, proceed to adjudicate upon the objection.

Onus probandi.

The burden of proof shall lie on the party objecting, and if the latter fail to appear, being thrice called, or if he fail to sustain the objection, the Judge shall declare the party objected to entitled to have his name settled on the Register for the Division for which it appeared on the lists aforesaid, or, if it appeared on more than one List, on all of them, subject to its being afterwards struck off from all but one in manner provided by this Law.

Claims and Elections.

CLAIMS AND ELECTIONS.—The Judge shall call upon any person whose name has not been entered on the Lists aforesaid as entitled to be registered for any Division and who claims nevertheless that it should be, and upon any person who may desire to claim that his name should be settled on the Register for some Division other than that for which it appeared on the said lists, and, in the case of persons whose names have been entered on the said Lists as entitled to be registered for more than one Division, upon any of such persons who may desire to elect for which Division he will be registered, to come forward, and the Judge shall then and there deal with such claims and elections.

At any of the said Courts, as may be determined by the Judge, the Clerk to the Municipal Board shall lay before the Judge, when called upon by the Judge to do so, all the claims and notices of election that may have been addressed to him as aforesaid, and the Judge shall deal with and adjudicate upon the same.

At the conclusion of the business of the last Court holden within any Parish for the settlement of the Register as aforesaid, the Judge shall deal with the cases of such persons whose

names appeared on the Lists aforesaid for more than one Division, and who have not elected for which Division they will be registered, and the Judge shall strike out the name of every such person from the List of Voters for every Division but one of the said Parish, the Judge determining in such manner as he may see fit for which one Division such person shall be registered.

Nothing in this Section contained shall be deemed to prevent the Judge from proceeding with the settlement of the Registers for the Divisions under this Law in the course of his dealing with the settlement of the Register for the Electoral District, or otherwise in such manner as may seem to him convenient.

Having gone through the Lists aforesaid, in manner aforesaid, the Judge shall see

- (1) that no name appears on the Lists aforesaid for any Division of the Parish that has not been settled on the Register of Voters for the Electoral District which such Parish constitutes, or of which it forms part, as a Voter whose qualification arises within such Parish; and
- (2) that the aggregate number of names of persons settled on the Register for the several Divisions of the Parish, added to the names of such persons as may have been settled on the Register for the Electoral District as Voters for the Parish as do not appear to be entitled to be registered for any Division under this Law, tallies with the number of persons settled on the Register for the Electoral District in cases where the Parish constitutes the Electoral District, or with the number of persons settled on the Register for the Electoral District as persons whose qualification arises within the Parish, in cases where the Electoral District comprises more than one Parish.

23—It shall be lawful for any person entitled to be registered in any Division without notice to oppose the claim of any person to be registered in any Division other than that for

Opposition to the name of any person being registered in any Di-

vision other than
that for which it
appears in the List.

which it appears in the Lists published as aforesaid, provided that it shall not be obligatory on the Judge to allow more than one such person besides the Clerk to the Municipal Board to oppose such claim.

The Clerk to the Municipal Board shall be entitled to contest any such claim, and it shall be his duty to do so in case the same appears to him to be doubtful or ill-founded.

Power of Judge to
amend Lists.

24—Notwithstanding anything in the foregoing Provisions, it shall be competent to the District Court Judge, in the performance of the duties cast upon him by this Law, to make such alterations and amendments in the lists aforesaid as may appear to him necessary in any case in which the party whose right is to be thereby affected is before him, and has an opportunity of being heard in support of his right.

Power to award
costs of frivolous
and vexatious ob-
jections.

25—It shall be lawful for any District Court Judge, in case any notice of objection under this Law shall be deemed by him to have been frivolous and vexatious, to award costs to the party objected to: Provided that such Judge shall then and there fix the amount of the costs so awarded. Payment of any costs so awarded shall be enforced as a judgment debt in the District Court.

Powers, &c., of
Judge acting un-
der this Law.

26—Every District Court Judge acting in the execution of this Law shall have the same powers, jurisdiction and authority, as if he were trying civil actions in the District Court; and witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances will admit, as in a trial of such civil action, and shall be subject to the same penalties for perjury.

Power to state
special case for Su-
preme Court.

27—It shall be lawful for any District Court Judge, in striking off or in inserting on the Register the name of any person objected to, or in allowing or disallowing any claim to be inserted, if requested to do so by either the person whose name is struck off, or the person giving the notice of objection, or the person whose claim is disallowed, or the Clerk of the Municipal Board, or any person opposing the claim of such person as aforesaid, to state and sign a case for the opinion of the Supreme Court, to raise the question as to the correctness of

such Judge's decision. Any such case shall be transmitted by such Judge to the Registrar of the Supreme Court on or before the 15th day of August.

28—It shall be lawful for the Clerk of the Municipal Board for each Parish, in the absence of the Registrar of the District Court, at any Court holden for the purpose of revising and settling the Register for the Divisions of such Parish, to perform at any such Court all the functions which would otherwise have to be performed by the Registrar of the Court.

Where Clerk of the Municipal Board to perform duties of Registrar of the District Court.

29—The Supreme Court shall as soon as possible deal with and decide upon the cases transmitted to it as aforesaid. As each case is called on in Court, it shall be lawful for the person whose right to have his name inserted on the Register is brought in question, and for the person who opposed such right before the District Court Judge, or for the Clerk of the Municipal Board, to appear and argue such case.

Hearing of Special Case.

It shall be lawful for the Court to award costs against any party, other than the Clerk of the Municipal Board, appearing as aforesaid.

Costs.

If nobody appears on either side, the Court shall nevertheless give its decision on the case.

The decision of the Court shall be given on each case as soon as possible, and the Registrar of the Court shall annex to each case a certificate, under the seal of the Court, of the effect of the decision of the Court, and transmit the same to the Clerk of the Municipal Board of the Parish, and the said Clerk shall forthwith bring the same to the notice of the Judge charged with the settlement of the Register for the several Divisions of the Parish.

Procedure upon decision of Supreme Court.

30—The District Court Judge having revised the Lists as aforesaid shall, on or before the 13th day of August in each year, finally settle the Register of Voters for each Division of the Parish, and cause the same to be made out with the surnames (in alphabetical order), and the christian or other name or names, the place of residence, postal address, calling or occupation, and nature of qualification, of each person settled

Final settlement of Register for each Division of each Parish.

thereon, as in the Form given in Schedule B to the Registration of Voters Law; 1884, and shall number the said persons in regular arithmetical progression.

Delivery and custody of same.

The said Judge shall sign the Register made up as aforesaid, and shall forthwith in this year deliver the same to the person appointed by the Governor to be the Returning Officer for the Parish, and in succeeding years to the Chairman of the Parochial Board of the Parish, who shall have the custody of the same until the appointment by the Governor of a Returning Officer to conduct a General Election, when the Chairman shall forthwith deliver the same to the Returning Officer. The said Register shall thereupon, subject to any alteration that may be made therein under the Provisions of the next Section, be respectively the Register of persons entitled to votes in each Division of the Parish at the Election of Members of the Parochial Board of the said Parish for the said Division, and shall come into force on the said 13th day of August, and shall remain in force until the same shall be duly superseded by another Register duly made according to Law.

Amendment of Register in accordance with certificate of decision of the Supreme Court in any special case.

31—The Clerk of the Municipal Board shall, on receiving from the Registrar of the Supreme Court the certificate of the decision of the said Court on any Case submitted for the opinion of the said Court as aforesaid, procure from the Returning Officer or Chairman of the Parochial Board the Register signed as aforesaid, and lay the same, together with the certificate aforesaid, before the District Court Judge charged with the revision of the Register for the several Divisions of the Parish; and such Judge shall thereupon, if necessary, give effect to the decision of the Court, by inserting on or striking off the Register the name of the person whose right was brought in question in such case, and shall sign his name against the name so inserted or struck off, and deliver the Register altered as aforesaid to the Clerk of the Parochial Board, who shall return the same to the Returning Officer or to the Chairman of the Parochial Board, as the case may be.

Sunday.

32—Whenever anything is by this Law required to be done on a particular day, and such day falls on a Sunday, such thing shall be done on the following day.

33—The Provisions of this Law as regards the Registration of Voters, except in so far as they require that the Register shall be finally settled and signed on or before the thirteenth day of August in each year, shall be deemed directory only; and the validity of any Register settled and signed by the Judge as aforesaid shall not be deemed to be affected by any neglect of the same. Nevertheless all Officers concerned are hereby required to strictly comply with the same.

How far provisions of this Law directory.

34—Whenever any Officer is by this Law required to make out any List, he shall sign at the foot thereof a declaration that the same is true and correct to the best of his knowledge and belief; and if any such declaration shall be untrue to the knowledge of the Officer making the same, such Officer shall be guilty of a misdemeanour, and shall, on conviction thereof, be liable to imprisonment, with or without hard labour, not exceeding twelve calendar months, and to a fine not exceeding One Hundred Pounds.

Declarations in verification of Lists.

35—The proceedings at Elections of Members of the Parochial Boards under this Law shall be regulated, and offences in connection with the said Elections shall be dealt with and punished, in accordance with the Provisions of "The Elections Law, 1884;" which Law, with the exception of Sections 1 to 5, shall be deemed to be incorporated with and to form part of this Law, with the following modifications (that is to say):—

Proceedings at, and offences in connection with, Elections, regulated by Law 21 of 1834, as specially modified by this Section.

In Section 7, the words "a Parochial Board" shall be substituted for the words "the Council," and the words "the Division of the Parish" for the words "the Electoral District."

In Section 8, the words "Parochial Board under the Provisions of the Parochial Boards Law, 1885," shall be substituted for the words "Legislative Council under the conditions prescribed by Clause 9 of the Order in Council."

In Section 9, the words "no more Candidates duly nominated than there are vacancies to be filled up, the Candidate or Candidates so duly nominated," shall be substituted for the words, "only one Candidate duly nominated, such Candidate," and the word "Division" for the word "District."

In Section 10, the words "Candidates duly nominated than there are vacancies to be filled up" shall be substituted for the words "than one Candidate duly nominated," and the word "third" for the word "seventh."

In Section 11, the word "Board" shall be substituted for the word "Council."

In Section 12, the word "Division" shall be substituted for the word "District."

In Section 15, the word "Division" shall be substituted for the word "District" in the first question therein set forth; and in lieu of the second question therein set forth the following question is substituted,—“Have you already voted here or elsewhere at this Election of Members to serve in the Parochial Board of this Parish, either in this or any other Division?”

In Section 26, the report therein required to be made by the Returning Officer to the Governor shall be made to the person or body to whom such Officer has to make his returns, who shall cause the same to be published in the Jamaica Gazette.

Section 28 shall as to the return to be made be read subject to the Provisions of this Law.

In Section 29, the word "Board" shall be substituted for the word "Council," and the words "any Division of the Parish" for the words "the Electoral District."

The return mentioned in Section 30 shall be made to the same person or body as the report mentioned in Section 26.

In Section 31, the words "Clerk of the Parochial Board" shall be substituted for the words "Clerk of the Legislative Council," and the words "the Judge having jurisdiction to try such petition" for the words "a Judge of the Supreme Court."

In Section 32, Sub-section 3 and Sub-section 4, the words "a Member of a Parochial Board" shall be substituted for the words "an elected Member of the Council."

In Section 37, Sub-section 1 and Sub-section 2, the words "or of a Parochial Board" shall be added after the words "the Council."

amended by
Law No 7 of 1886
Section 29

In Section 38, the words "Parochial Board for the Parish" shall be substituted for the words "Council for the Electoral District."

36—In case any person shall at any time be returned as a Member of any Parochial Board for more than one Division of the same Parish, or having been elected in one Division shall afterwards be elected in another, it shall be lawful for such person at any time within three weeks of the date of his said return, or the last of such returns, by notice in writing addressed to the Governor, or other person to whom under the Provisions of this Law the return or the last of such returns has been made, to elect for which Division he will serve, and thereupon his seat for the other Division shall be deemed to have been vacated to all intents and purposes. In the event of such person failing to give such notice as aforesaid, it shall be lawful for the Chairman of the Board to declare for what Division such Member shall serve, and thereupon the seat of such Member for any other Division shall be deemed to be vacant to all intents and purposes.

Procedure where one person returned for more than one Division of a Parish.

37—With a view to providing a means of deciding disputes that may arise respecting the Election of Members to serve on Parochial Boards under this Law, it is hereby enacted that the Provisions of "The Election Petitions Law, 1885", shall apply in the case of Parochial Boards with the following modifications, that is to say:—

Law 3 of 1885 partially incorporated with certain modifications.

The words "Parochial Board of any Parish" shall be substituted for the words "Legislative Council of this Island" in line 3 of the Preamble.

The words "any Parochial Board" shall be substituted for the words "the Legislative Council" in line 3 of Sub-section 4 of Section 1.

The following shall be added as a Sub-section to Section 1, "Division" shall mean "any Division of any Parish made for the purposes of The Parochial Boards Law, 1885."

In Sub-section 5 of Section 3, the word "fifty" shall be substituted for the words "three hundred" in line 1.

In line 3 of the second paragraph of Section 12, the word "Parish" shall be substituted for the word "District."

In line 4 of Section 15, the words "Parochial Board to which the petition relates" shall be substituted for words "Legislative Council;" and in line 5 the words "Chairman or Vice Chairman of the said Board" shall be substituted for the word "Governor;" and in line 8 the words "Chairman or Vice Chairman of the said Board in accordance with the Provisions hereinafter contained" shall be substituted for the word "Governor."

Section 16 shall be read with the addition of the words "or other person to whom the return has been made" after the word "Governor."

In lieu of Sub-sections 1, 2, 3, and 4 of Section 19, the following Provision shall take effect, that is to say, "The Petition shall be heard and tried by the Circuit Court Judge, sitting alone without a Jury, in open Court, at the Circuit Court for the Parish to which it relates holden next after the Petition shall have been brought to issue."

In line 3 of Sub-section 5, the word "Parish" shall be substituted for the words "Electoral District."

In line 2 of Sub-section 6, the words "The Parochial Board" shall be substituted for the word "Council;" and in line 6 of the same Sub-section, the words "Chairman of the Parochial Board, or if such Chairman be the Respondent to the Vice Chairman," shall be substituted for the word "Governor."

In line 2 of Section 22, the words "all the" shall be substituted for the words "the same;" and in line 3 the word "of" shall be substituted for the word "as."

In Section 28 of line 3 from the bottom, the words "Parochial Board for the Parish" shall be substituted for the words "Legislative Council for the District," and in the next line the words "Parochial Board" for the words "Legislative Council."

38—At any Election of Members to serve on a Parochial Board under this Law, each Voter shall be entitled to give one vote to each of as many candidates as there are Members to be elected *for each Division*

Number of Votes allowable to each Voter.

39—No person shall be capable of being elected a Member of the Parochial Board of any Parish, or, having been elected, of sitting or voting at any meeting of such Board—

Qualifications and Disqualifications of Members of Parochial Board.

- (1) Who is not able to read and write English, or
- (2) Who is not entitled to vote at the Election of a Member of such Board, or
- (3) Who is not
 - (a) Either registered as a Voter as aforesaid in respect of the payment of rates or taxes, or rates and taxes, to the amount of Three Pounds annually, or
 - (b) in receipt of the clear annual income of One Hundred Pounds, or
 - (c) the owner or tenant of a house or land of the value of Two Hundred Pounds,
- (4) Who is the holder of any office of emolument, the emolument of which is payable out of the funds of the Public or Parish, or
- (5) Who is either directly or indirectly, pecuniarily or otherwise, interested in any contract with the Parochial Board of such Parish, although such contract shall be by virtue of the Provisions hereinafter contained null and void.

And the seat of any Member who, though qualified to be elected at the time of his Election, shall afterwards become disqualified to be elected shall, on such Member so becoming disqualified, be deemed to have been vacated to all intents and purposes.

40—Any contract entered into by any Parochial Board with any Member of such Board, or in which any Member is pecuniarily interested, shall be absolutely null and void to all intents and purposes.

Contracts by Board with any Member void.

extended by Law 40 of 1887

Vacancies.
What facts will render vacant the seat of a Member during his lifetime.

41—If any Member shall by writing under his hand addressed to the Chairman of the Board, or in the case of the Chairman addressed to the Vice-Chairman, resign his seat at the Board, or without leave of the Board first had and obtained shall fail for a period of six months to attend a meeting of the said Board, or shall be adjudicated a Bankrupt, or shall be sentenced in any part of Her Majesty's Dominions to death, penal servitude, or imprisonment with hard labour, or for a term exceeding three months, his seat at the said Board shall thereupon become vacant. The Minutes of the Board shall be conclusive evidence as to the attendance of Members for the purposes of this Section.

Penalty for any Member voting who is disqualified or whose seat becomes vacant.

Action to recover same.

Preliminary deposit.

42—Every person who, having been elected and returned as a Member of any Parochial Board, was at the time of his election disqualified to be a Member of such Board, and who shall nevertheless sit or vote at any meeting of such Board, shall for every day on which he sits or votes, and every person who shall sit or vote after his seat has become vacant shall for every day on which he sits or votes after his seat has become vacant, be liable to a penalty of Ten Pounds, to be recovered by action in the District Court of the Parish by any person who shall sue for the same: Provided that no process shall issue out of any District Court for the recovery of any such penalty unless the person suing out the same shall deposit with the Clerk of the District Court the sum of Twenty-five Pounds; and any process issued without the payment of such sum shall be null and void.

Onus probandi.

The person suing for any such penalty as aforesaid shall state in his plaint the nature of the disqualification he proposes to rely on. If it be the first, second or third, of the disqualifications enumerated in Section 39 proof of qualification shall be on the defendant.

Application of deposit.

In the event of the plaintiff succeeding in the action the sum of Twenty-five Pounds aforesaid shall be returned to him. In the event of his not succeeding the defendant shall be entitled to have his full costs paid out of the said sum, and the residue only (if any) shall be returned to the person who deposited the same as aforesaid.

Any such action as aforesaid shall be brought within three months of the day, or the first of the days, on which the person in question is alleged to have sat or voted as aforesaid.

Time limit.

43—A Member elected to supply any casual vacancy occasioned by death, resignation or the like, shall hold office for the term for which the person in whose place he shall have been elected would have been entitled to hold it.

Status of Member elected to fill vacancy.

44—No person elected as a Member of a Parochial Board shall sit or vote at any meeting of such Board until he has made and subscribed the following Declaration :—

Official Declaration by Members.

“ I solemnly affirm that I will to the best of my ability do
“ my duty as a Member of the Parochial Board of the
“ Parish of .”

Such Declaration shall be made after any General Election before the person appointed by the Governor to be the Returning Officer at such Election, and on all subsequent occasions at a meeting of the Board before the Chairman or other Presiding Member.

Before the election of a chairman & hereinafter mentioned other

45—At noon on the first day of October after any General Election, or on such day after any dissolution of a Board as may be appointed by the Governor, the Members elected in the several Divisions of every Parish as Members of the Parochial Board of such Parish, together with the persons by this Law made ex-officio Members of the Board, shall assemble at the Municipal Board office of such Parish, and shall there make the Declaration aforesaid before the person appointed as Returning Officer as aforesaid. As soon as all the Members have made the Declaration aforesaid, or as soon after one o'clock on that day as at least five Members shall have made it, the person appointed as aforesaid to administer the Declaration aforesaid shall call upon the Members who have made the Declaration to proceed to the election of a Chairman, and he shall preside at the meeting to be held for that purpose.

First Meeting after a General Election.

Election of a Chairman.

As soon as a Chairman has been elected as aforesaid, the person aforesaid shall vacate the Chair in his favour and leave the meeting, and the Chairman will enter on his duties.

Proceeding to business.

Adjournments.

If at three o'clock on the said day the requisite number of Members should not be present, it shall be lawful for the Returning Officer to adjourn the meeting till noon on the following day, and so on from day to day until the requisite number be present.

Annual Elections of Chairman and Vice-Chairman.

46—Subject to the Provisions of the preceding Section, the Members of each Board shall hold a meeting on some day in October not later than the 21st in each year, the day, the hour and place, to be determined by the Board, for the purpose of electing a Chairman and Vice-Chairman for the ensuing year, and they shall then proceed to elect one of their number to be Chairman, and another to be Vice-Chairman, for the ensuing year. Each Chairman or Vice-Chairman so elected shall hold his office until the appointment of his successor in the following year.

Elections to fill vacancies in-office.

In the event of the death, resignation or incapacity, of the Chairman or Vice-Chairman, the Board shall elect one of their number to supply his place.

Who shall preside at Board Meetings.

47—The Chairman, or in his absence the Vice-Chairman, shall preside at the meetings of the Board, and in the absence of both Chairman and Vice-Chairman the Members present at any meeting shall elect one of their number to preside thereat. The President at any meeting shall have an original and casting vote.

President's right to casting vote.**Power to make By-laws.**

48—It shall be competent for each Board to make By-laws for the regulation of their own proceedings, the appointment and duties and powers of Committees, and for the regulation, management, use and keep, of any public buildings, institutions, gardens or property, vested or hereafter to be vested in such Board.

Quorum.

49—Five members, including the Chairman or other Presiding Member, shall form a quorum.

Power of Expulsion of Members.

50—It shall be lawful for any Parochial Board, by Resolution passed by a two-thirds majority of the whole Board, to expel any Member of such Board for persistent obstructiveness, or other misconduct tending to prevent the despatch of

business: Provided that such sentence of expulsion shall be sanctioned and confirmed by the Governor within fourteen days of its being passed by the Board. Any Member so expelled shall not be eligible to be re-elected as a Member of such Board during the residue of the term for which such Board was elected.

51—If any Parochial Board, in the judgment of the Governor in Privy Council, is not competent to perform, or persistently makes default in the performance of, the duties lawfully imposed upon it, or exceeds or abuses its powers, it shall be lawful for the Governor in Privy Council, by an Order published in the Jamaica Gazette, to dissolve such Board.

Power to dissolve
Parochial Board.

When a Parochial Board is so dissolved the following consequences shall ensue: —

Consequences of
Dissolution.

- (a.) All Members of the Board shall as from the date of the order vacate their offices as such Members;
- (b.) All powers and duties of the Board shall, until a new Board shall have been elected under this Law, be exercised and performed by such person or persons as the Governor may from time to time appoint in that behalf;
- (c.) All property vested in the Board shall during the period aforesaid vest in the person or persons aforesaid.

Provided always that no Order for the Dissolution of any Board as aforesaid shall be valid unless in and by such order provision is made for the Election under this Law of a new Board, in lieu of the Board so dissolved, within a period not exceeding six weeks from the date of such order.

Proviso for Election
of a new Board.

52—The Corporate name, style and title, of the Parochial Board of the Parish of Kingston shall be “The Mayor and Council of Kingston;” and the said Board by such style and designation shall and may sue and be sued, implead and be impleaded, in all Courts of Justice, and shall enter into and execute all deeds, contracts and agreements.

Kingston.
Corporate name of
Board.

The Chairman of the said Board shall be styled “The Mayor Title of Chairman,

of Member and of
Division.

of Kingston;" and each member of the Council shall be styled a "Councillor;" and each Division shall be styled a "Ward."

Power to appoint
Churchwardens
continued.

53—The power of the Governor to appoint Churchwardens under Section 43 of Law 8 of 1866 shall continue to exist and to be exercised in all respects as if the Municipal Boards continued to be nominated and appointed by the Governor as they were at the time of the passing of this Law.

Repeal of Law 6 of
1881.

54—On and after the 30th day of September, 1885, Law 6 of 1881 shall be and the same is hereby repealed.



*Amended by
Law 25 of 1885.*

JAMAICA—LAW 17 OF 1885.

The Consignees' Lien Abolition Law, 1885.

[16th May, 1885.]

WHEREAS it has been found by experience that the Preamble.
operation of the doctrine of law giving to the consignees or factors of Estates a Lien upon the same, and the produce thereof, is prejudicial to the proprietors of Estates who may have occasion to borrow money on the security of such Estates, by rendering it difficult to obtain the required advances from any person other than the merchant who acts as Consignee of the produce of such Estates, and is moreover productive of great hardship and injustice in many instances to mortgagees and others who have advanced money on the security of Estates; and it is accordingly deemed expedient to abolish the said doctrine of law, leaving it open to any such proprietor as aforesaid, if he sees fit, by any instrument duly recorded to create such Lien or charge in favour either of his Consignee or of any other person, or to mortgage his said Estate without leaving the mortgagee liable to have his right overridden by any Lien or charge that may not have been expressly made and duly recorded as aforesaid:—

And Whereas it is at the same time expedient to make due provision for the security of any persons holding any Consignee's or factor's Lien on the day on which such Lien or charge shall cease to arise by operation or implication of Law:—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

Consignee's lien by operation of Law abolished after 31st December, 1885.

1.—From and after ^{the 31st day of July anno Domini} ~~the 31st day of December, anno Domini~~ 1886, no Lien or charge shall be deemed to arise by operation or implication of law, by way of factors or Consignees Lien or otherwise, upon any pen, plantation or land, or on the live or dead stock thereon, or belonging to the same, or on the crops or produce thereof, in respect of monies or stores advanced or supplied to the proprietor thereof, or to any other person, for the cultivation or carrying on of the same or otherwise, or of any services rendered to such proprietor or other person in or about the cultivation or management of the same, or the disposal of the produce thereof.

Registration of claims to liens existing on 31st December, 1885. Effect thereof.

2—It shall be lawful for any person claiming to have any Lien or charge as aforesaid on the said 31st day of ~~December~~ ^{July}, in respect of any of the matters aforesaid, to register himself in the Island Record Office as having such claim, stating the amount of the same, the names of the proprietors or persons to whom the advances were made in respect of which the Lien is claimed, and the name of the property to be affected by the same; and such claim shall be indexed in the Record Office, in the front and back alphabets of deeds, in the same way as a mortgage deed from such proprietors or persons to such incumbrancer; and such claim, if duly registered as aforesaid at any time before the 31st day of ~~March~~ ^{July}, anno Domini 1886, shall, to the extent to which it may prove to be well founded, be entitled to the same precedence over other liens, charges, mortgages or incumbrances, upon or conveyances of the same land, or the stock thereon or belonging thereto, as it would have had if this Law had not been passed; if registered after that date it shall, to the extent aforesaid, have precedence over other liens, charges, mortgages, incumbrances or conveyances, as aforesaid posterior to it in point of registration.

Rights to consignment of produce protected until lien extinguished.

3—Any person having on the 31st day of ~~December~~ ^{July} aforesaid a Lien or charge as aforesaid shall, irrespectively of any other remedy to which he may be entitled at the time of the passing of this Law to enforce such Lien or charge as against such pen, plantation or land, be entitled to have the produce of such pen, plantation or land, consigned to him for sale

Amended by Law 25 of 1885

until such lien or charge is fully satisfied, and to satisfy his claim out of the proceeds thereof: Provided however that the entire net proceeds of the produce consigned and sold as aforesaid shall be applied in the first instance to the extinguishment of such lien or charge, and that the latter shall be deemed to be totally extinguished when the net proceeds of produce consigned that shall be sold after the said 31st day of December shall have been sufficient to extinguish the same, with interest thereon.

4—When any Lien or charge as aforesaid shall have been extinguished, the person who held the same shall, at the request and cost of the proprietor of the pen, plantation or land, cause satisfaction thereof to be entered on the margin of the record.

Entry of satisfaction on Record of Lien.]

5—Any instrument conferring any Lien or charge upon any land, or upon the stock thereon or belonging thereto, or upon the crops or produce thereof, in favour of the Consignee thereof or of any other person in respect of any monies, stores or services as aforesaid, whether already or to be hereafter advanced, supplied or rendered, shall be duly executed by the parties whose estates or interests are intended to be charged or affected, and shall be stamped with the stamp duty payable on a mortgage, and recorded in the Island Record Office within the time applicable to an instrument of that nature, and shall then, as against any conveyance, mortgage, charge or other instrument conferring any lien or charge upon the same land, stock, crops or produce, take effect according to priority of record.

Instruments of lien to be executed stamped and recorded as mortgages.

6—If the proprietor of or any person interested in any pen, plantation or land, shall deny the right of any person recording any claim as aforesaid to have a charge or Lien on such pen, plantation or land, by operation or implication of law, or shall dispute the amount of the same, or if the person who held any Lien or charge which has been extinguished under the Provisions of this Law or otherwise shall refuse to enter satisfaction as aforesaid, it shall be lawful for such proprietor or other person as aforesaid, without suit,

Any question as to validity amount or satisfaction of any claims of lien, how to be raised and dealt with.

to apply to a Judge of the Supreme Court for an Order calling on such person to show cause why the record of such claim should not be expunged, or the amount of such claim be reduced, or satisfaction entered (as the case may be), and the Court or Judge, on the parties appearing before him or it in Court or Chambers, as the Judge first mentioned or the Court may order, or in default of the appearance of the person summoned on proof that the Order was duly served, may make such Order in the premises as he or it may see fit.



JAMAICA—LAW 18 OF 1885.

A Law to Amend Law 3 of 1878.

*Incorporated into
Law 3 of 1878*

[16th May, 1885.]

BE it enacted by the Governor, with the advice and consent Preamble.
of the Legislative Council of the Island of Jamaica,
as follows:—

1—So much of Section 3 of Law 3 of 1878 as provides that the net proceeds of lands sold under the Provisions of the said Section shall be lodged by the Treasurer in the Government Savings Bank to the credit of the lands so sold, subject only to be refunded in certain cases as thereafter mentioned with Savings Bank interest, shall be and the same is hereby repealed. Law 3 of 1878
Section 3 partially
repealed.

2—On the passing of this Law the Governor shall draw out of the said Savings Bank any monies lodged therein in pursuance of the Provisions of the said Section, and the said monies, and any monies that may hereafter be paid to the Treasurer as the net proceeds of any lands sold under the Provisions of the said Section, shall form part of the General Revenue of the Island. Proceeds of lands
sold under that
Section to form
part of General Re-
venue.

3—In the case provided for by Section 4, Sub-Section b, of the said Law, the Judgment therein mentioned, with interest at the rate payable on deposits in the Government Savings Bank, shall be paid by the Treasurer, on the warrant of the Governor, out of the General Revenue of the Island. As to payment of
judgments under
Section 4, Sub-sec-
tion b.



JAMAICA—LAW 19 OF 1885.

*Incorporated with
Law 23 of 1870
and amended by
Law 7 of 1876.*

The Gunpowder and Fire Arms Law, 1870, Amendment Law, 1885.

[29th April, 1885.]

WHEREAS it is expedient further to amend the Gun- Preamble,
powder and Fire Arms Law, 1870:—

Be it enacted by the Governor, with the advice and consent
of the Legislative Council of the Island of Jamaica, as fol-
lows:—

1—So much of Section 1 of Law 7 of 1876 as defines the Law 7 of 1876, sec-
meaning of the word “Gunpowder” shall be and the same is tion 1 partially re-
hereby repealed. pealed.

2—From and after the passing of this Law the word “Gun- Definitions.—
powder,” as used in Law 23 of 1870, shall mean and include “Gunpowder.”
only the powder commonly known as Gunpowder or blast-
ing powder, and what are commonly known as percussion
caps adapted for use in connection with guns, rifles or pistols.

“Dangerous Explosives” shall mean dynamite, nitro- “Dangerous Explo-
glycerine, or other explosive substance other than “gun- sives.”
powder” as above defined.

3—The Provisions of Law 23 of 1870 are hereby ex- Licenses to possess
tended so as to authorize any person to apply for and obtain Gunpowder, but not
a license to have in his possession and not for sale, at a place for sale, exceeding
or places to be named in such license, and within the Parish 25lbs.
in which the same is granted, a quantity of Gunpowder in ex-
cess of twenty-five pounds; and such applications shall be
made at the same time, in the same manner and subject to
the same conditions, and shall if granted be granted on the

Particulars thereof
and fee therefor.

same terms, as licenses to deal in and dispose of Gunpowder, save and except as to payment of stamp duty : Provided that any such license shall name the place or places within the Parish where such Gunpowder is to be stored, and shall fix a limit to the quantity to be kept and stored at any one place ; and there shall be paid on every such license the sum of one pound to the Collector of Taxes of the Parish as and for duty.

Restrictions as to
keeping Gunpow-
der.

4—Gunpowder shall not be kept at any place except as follows, that is to say :—

- (1) At a fort, magazine, or other proper place of security, approved of by the Governor under the Provisions of Law 23 of 1870.
- (2) In the premises of a person duly licensed under the said Law to deal in and dispose of Gunpowder, and then only to the extent limited by the said Law, or at the place or places named in any license granted to any person to have Gunpowder in his possession and not for sale in excess of twenty-five pounds, and in such cases only to the extent limited by the said license.

Provided that this Section shall not apply—

- (1) To a person keeping for his private use and not for sale Gunpowder to an amount not exceeding on the same premises twenty-five pounds, or
- (2) To the keeping of any Gunpowder by a carrier or other person for the purpose of conveyance, when the same is being conveyed or kept in accordance with the Provisions of this Law with respect to the conveyance of Gunpowder.

Any Gunpowder kept otherwise than as above in this Section mentioned shall be deemed to be kept and deposited in an improper place, or in a quantity contrary to the meaning of Law 23 of 1870.

Rules as to packing
Gunpowder for con-
veyance.

5—The following General Rules shall be observed with respect to the packing of Gunpowder for conveyance :—

- (1.) The Gunpowder, if not exceeding five pounds in amount, shall be contained in a substantial case, bag, canister or other receptacle, made and closed so as to prevent the Gunpowder from escaping; and
- (2.) The Gunpowder, if exceeding five pounds in amount, shall be contained either in a single package or a double package. A single package shall be a box, barrel or case, of such strength, construction and character, that it will not be broken or accidentally opened, or become defective or insecure, whilst being conveyed, and will not allow the gunpowder to escape. If the gunpowder is packed in a double package the inner package shall be a substantial case, bag, canister or other receptacle, made and closed so as to prevent the Gunpowder from escaping, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction and character, that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the Gunpowder to escape; and
- (3.) Every package, whether single or double, when actually used for the package of Gunpowder, shall not be used for any other purpose; and
- (4.) There shall not be any iron or steel in the construction of any such single package, or inner or outer package, unless the same is effectually covered with tin, zinc or other material; and
- (5.) The amount of Gunpowder in any single package, or if there is a double package in any one outer package, shall not exceed one hundred pounds; and
- (6.) On the outermost package there shall be affixed the word "Gunpowder" in conspicuous characters, by means of a brand or securely attached label, or other mark.

In the event of any breach (by any act or default) of any General Rule in this Section, the Gunpowder in respect of which the breach is committed may be forfeited, and the person

Forfeiture and
penalty for breach
of any rule.

guilty of such breach shall be liable to a penalty not exceeding Twenty Pounds.

Possession of Dangerous Explosives without license prohibited.

6—From and after the passing of this Law it shall not be lawful for any person to have in his possession any Dangerous Explosive without a license under the hand of the Colonial Secretary, or of the Custos of the Parish in which the same is kept. Such license when granted shall be without fee or reward.

Particulars of license to keep Dangerous Explosives.

7—Any such license as last aforesaid shall name the place or places where such Dangerous Explosive shall be kept, and shall limit the quantity to be kept or stored in any one of such places at any one time, and shall provide that such place or places shall at all times be kept securely locked, except at such times as may be necessary for dealing with the Dangerous Explosive, and shall name the person or persons to be entrusted with the keys of such place or places, and with the superintendence of the use from time to time of such Dangerous Explosive.

Revocation of such license.

8—Any such license as last aforesaid shall be liable to be at any time cancelled and revoked by order of the Governor, and such cancellation and revocation shall be published in the Jamaica Gazette, and shall take effect from such publication.

Importation of Dangerous Explosives by unlicensed person, prohibited.

9—It shall not be lawful for any person, other than a person licensed under this Law to have Dangerous Explosives in his possession, to import any Dangerous Explosive; and any such Dangerous Explosive consigned to any person other than as aforesaid shall be deemed to be prohibited goods within the meaning of the Customs Laws.

Restrictions as to landing Explosives imported by licensed persons.

And the Collector or other Officer of Customs at the port of importation shall not allow any such Explosive, consigned to any such person as aforesaid, to be landed or removed from the ship importing the same unless proper arrangements are made, to his satisfaction, for the conveyance of such Explosive to a place named in the license of the person importing the same as a place where the same is licensed to be kept. Provided always that it shall be competent for the person importing any Dangerous Explosive

to lodge the same in such fort or magazine or other place of security as may be approved of by the Governor as a place for the reception of the same, and on such terms as may be from time to time approved of by the Governor.

10—When any Justice of the Peace shall receive information on oath that any Dangerous Explosive is deposited or suspected to be deposited in any house, store or place, (not being a place named in any such license as aforesaid as a place where Dangerous Explosives may be kept,) or is in the possession of any person contrary to the Provisions of this Law, he shall forthwith issue his warrant to cause search to be made in the suspected house, store or other place, or to cause such person as aforesaid to be arrested and searched, as the case may be, and if any Dangerous Explosive shall be found in such house, store or place, or on such person, contrary to the Provisions of this Law, and whether such warrant has been granted or not, such Dangerous Explosive shall be forfeited, and the occupier of any house, premises or place, in which such dangerous explosive shall be found, and any person found in possession of or using any such Explosive contrary to the Provisions of this Law, shall, on conviction thereof in a summary way before two Justices of the Peace, forfeit and pay a sum not exceeding One Hundred Pounds, or the offender, in such case convicted, shall be imprisoned for any term not exceeding twelve calendar months, with or without hard labour, as the said Justices may think proper.

Power to search for Dangerous Explosives in unlicensed places, or on persons suspected to be in possession of same. Forfeitures and Penalties.

11—Any Fire Arms beyond ten in number kept or deposited in any vessel, house, store or place, other than a vessel, house, store or place, of a person duly licensed under the said Law to deal in and dispose of Fire Arms, or of a person licensed to keep and to use the same under the License Duties Regulation Law, 1867, shall be deemed to be deposited in an improper place within the meaning of Law 23 of 1870, and contrary to the meaning of the said Laws.

Limitation of number of Fire Arms to be kept in an unlicensed place, or by an unlicensed person.

12—Nothing in this Law shall be deemed to apply to any person employed in the Military or Naval Service of Her Majesty, or in Her Majesty's Colonial Government, having in

Exceptions.

[CH. 19.] *Gunpowder and Fire Arms Amendment Law, 1885.*

his possession or using in the service of Her said Majesty any Gunpowder or Dangerous Explosive.

Incorporated with
Law 23 of 1870.

13—Law 23 of 1870 and this Law shall be read and construed together as one Law.



JAMAICA—LAW 20 OF 1885.

The Indictable Offences Preliminary Examination Law, 1885.

[16th May, 1885.]

WHEREAS it is expedient to amend the Procedure to be Preamble.
observed by Justices of the Peace in the performance
of their duties with respect to persons charged with Indictable
Offences :—

Be it enacted by the Governor, with the advice and consent
of the Legislative Council of the Island of Jamaica, as fol-
lows :—

1—It is hereby declared that the power by warrant to re-
mand, or verbally to order the continued detention of, an ac-
cused person, conferred on a Justice or Justices of the Peace
by Section 14 of 13 Victoria, Chapter 24, was intended to be,
and shall henceforth be deemed to be, conferred in cases only
where an Information upon oath shall have been or shall be
laid, and where the Justice or Justices shall have satisfied
himself or themselves, by evidence on oath, that there was
reasonable ground for apprehending the prisoner, and that
there is a reasonable probability of evidence being forthcom-
ing to prove the charge against him.

Power to remand
accused persons
limited to certain
cases.

2—Anything in Section 14 of the said Act to the contrary
notwithstanding, it is hereby provided that in any case in
which it becomes necessary to defer the examination or fur-
ther examination of an accused party, and the Justice or Jus-
tices before whom such accused party appears or is brought is
or are willing that such accused party, instead of being de-
tained in custody until the day to be appointed for the ex-

Power to Justices
in certain cases to
defer examination
for fourteen days.

amination or further examination, should be discharged on his entering into recognizance with or without a surety or sureties, conditioned for his appearance at the time and place to be appointed for the examination or further examination, and the accused party is willing to enter into such recognizance, and to furnish such surety or sureties as may be required, it shall be lawful for the said Justice or Justices to defer the examination or further examination of the party accused for such time, not exceeding fourteen clear days, as to the said Justice or Justices may in their discretion be deemed reasonable.

Certain process
shortened.

3—In every Summons of a witness, Warrant to apprehend a witness who has not obeyed a summons, Warrant for a witness in the first instance, Warrant of Commitment of a witness for refusing to be sworn or to give evidence, Recognizance to prosecute or give evidence, Commitment of witness for refusing to enter into recognizance, Warrant remanding a prisoner, Recognizance of bail instead of remand on adjournment of examination, Recognizance of bail, Warrant of deliverance on bail being given for a prisoner already committed, or Warrant of Commitment, it shall be sufficient, instead of setting out at length the charge against the accused person (for that, &c., &c., as in the Information), to state shortly the nature of the offence charged, including in such statement the name of the person against whom, and the date on which, such offence is charged to have been committed, as (larceny of the goods of A. B. on the day of , or the wilful murder of C.D. on the day of , or assaulting E.F. on the day of with intent to do grievous bodily harm).

Fee on Recogni-
zance or notice
thereof repealed.

4—So much of Section 5, and of the relative Schedule C., of Law 3 of 1870 as makes a fee payable on a Recognizance or on notice of the same shall be and the same is hereby repealed.



JAMAICA—LAW 21 OF 1885.

*The Saint Elizabeth Temporary Registration of Voters Law,
1885.*

[16th May, 1885.]

WHEREAS, by reason of the tax on houses not having Preamble.
been levied in the Parish of St. Elizabeth in the year
1884-85, the majority of the persons who under ordinary cir-
cumstances would be entitled to be registered as voters for
the Electoral District constituted by the said Parish are not so
entitled in the present year, and consequently will not be en-
titled, unless special provision is made, to be registered as
voters at the Election of Members of the Parochial Board of
the said Parish, and it is expedient to make temporary pro-
vision in the said Parish so as to bring on the Registers for
the several Divisions into which the said Parish is to be divi-
ded, under the Parochial Boards Law, the persons who would be
entitled to be registered if the tax on houses had been levied :—

Be it therefore enacted by the Governor, with the advice
and consent of the Legislative Council of Jamaica, as fol-
lows :—

1—In addition to the persons who, by and under the Pro-
visions of the Parochial Boards Law, 1885, are entitled to be
registered as Voters in the several Divisions into which the
Parish of Saint Elizabeth is to be divided under the said Law,
all persons whose names were entered on the Register of Vo-
ters for the Electoral District of Saint Elizabeth in the year
1884 shall, if still resident in the said Parish, be entitled in
the present year to have their names settled on the Electoral
Register to be made up under the Provisions of the Parochial

Voters on the Re-
gister of Voters of
St. Elizabeth for
1884, if still resi-
dent in the Parish,
entitled to be set-
tled on the Register
under the Paro-
chial Boards Law
for this year.

Boards Law for a Division of the said Parish, in all respects as if their names were entered on the Register for the Electoral District of Saint Elizabeth for the present year.

Duty of the Clerk
of the Municipal
Board in making
out lists.

2—The Clerk of the Municipal Board of the said Parish shall, on or before the 5th day of July in the present year, make out the lists for the several Divisions of the said Parish, as well from the Register of Voters for the Electoral District of Saint Elizabeth settled in the year 1884, as from the lists required to be published by Section 25 of the Registration of Voters Law, 1884, as provided by Section 14 of the Parochial Boards Law.

